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JOURNAL

OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT ON MONDAY THE THIRD DAY
OF DECEMBER, IN THE YEAR OF OUR LORD, 1838, AND OF
THE COMMONWEALTH THE FORTY SEVENTH.

FRANKFORT, K.

**A. G. HODGES, PUBLIC PRINTER.
1838.**



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1838

JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the town of Frankfort, on Monday the third day of December, 1838, and in the 47th year of the Commonwealth, it being the day appointed by law for the meeting of the General Assembly—CHARLES A. WICKLIFFE, the Lieutenant Governor, took the Chair as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to-wit:

From the first Senatorial District, Thomas James; from the second, James C. Weller; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, Archibald Dixon; from the sixth, Richard S. Ford; from the seventh, James Murrell; from the eighth, William T. Willis; from the ninth, John S. Barlow; from the tenth, William Bradshaw; from the eleventh, Achilles Jasper; from the twelfth, Anselm Watkins; from the thirteenth, James G. Pitts; from the fifteenth, James Guthrie; from the seventeenth, George W. Johnston; from the eighteenth, Stanley Young; from the nineteenth, James Schooling; from the twentieth, John A. Tomlinson; from the twenty first, Isaac Burnett; from the twenty second, Michael Davidson; from the twenty third, Charles J. Walker; from the twenty fourth, Franklin Ballinger; from the twenty fifth, John Wallace; from the twenty sixth, William De Courcy; from the twenty seventh, John S. Morgan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty second, William Clarke; from the thirty fourth, James M. Rice; from the thirty sixth, Adam Beatty; and from the thirty eighth, Samuel Hanson.

The said James V. Walker, James G. Pitts, George W. Johnston, Isaac Burnett, Charles J. Walker, John Wallace, John S. Morgan, John Pratt, William Clarke, and James M. Rice, severally produced certificates of election, and took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

James Stonestreet was elected Clerk of the Senate during the present session, whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

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Mr. Wingate nominated Littleberry Batchelor for the office of Sergeant-at-Arms of the Senate during the present session, and Mr. Davidson nominated Thomas Buford. Upon taking the vote it stood thus:

Those who voted for Mr. Batchelor were—

Messrs. Barlow,	James,	Schooling,
Burnett,	Jesup,	Walker,
Dixon,	Johnston,	Wallace,
Ford,	Murrell,	Watkins,
Guthrie,	Pitts,	Weller,
Hanson,	Pratt,	Willis,
Huston,	Rice,	Wingate—21.

Those who voted for Mr. Buford were—

Messrs. Ballinger,	Davidson,	Tomlinson,
Bradshaw,	Jasper,	Walker—7.
Clarke,		

Littleberry Batchelor having received a majority of all the votes given, was declared duly elected; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

John J. Vest was elected Dook Keeper of the Senate during the present session; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Willis,

Resolved, That the Clerk of the Senate be authorized to appoint an assistant Clerk during the present session, and that he be responsible for the discharge of the duties of the same, and that he shall have power to remove such assistant Clerk at' pleasure.

Ordered, That Mr. Guthrie inform the House of Representatives that the Senate have met, elected their officers, and are now ready to proceed to legislative business.

Messrs. Guthrie, Watkins and Clarke, were appointed a committee on the part of the Senate to wait on the Governor and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make; and Mr. Guthrie was directed to inform the House of Representatives thereof.

A message was received from the House of Representatives announcing that they had met, formed a quorum, elected their officers, and are now ready to proceed to legislative business; and that they had appointed a committee on their part to wait on the Governor and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

The committee on the part of the Senate retired, and after a short time returned, when Mr. Guthrie reported that the joint committee had per-

formed the duty assigned them, and were informed by the Governor that he would make a communication in writing to each House to-morrow at eleven o'clock, A. M.

On the motion of Mr. Wingate,

Ordered, That the Public Printer print 150 copies of the Rules of the Senate for the use of the General Assembly.

And then the Senate adjourned.

TUESDAY, DECEMBER 4, 1838.

The Clerk, with the concurrence of the Senate, appointed Theodore Kohlhass assistant Clerk of the Senate; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. Willis presented the petition of Aaron Harding, administrator of the estate of David Campbell, deceased, praying for the passage of a law to authorize the sale of real estate to pay the decedant's debts—which was received and laid on the table.

A message, in writing, was received from the Governor by Mr. Bullock, Secretary of State, which was read as follows, viz:

Gentlemen of the Senate

and House of Representatives:

When you last assembled the financial condition of the country was much deranged—the banking institutions not only in Kentucky, but throughout the Union, had suspended specie payments—the whole community was threatened with one general pecuniary distress, and an unprecedented embarrassment in the commercial relations of the nation was reasonably apprehended in the prostration of confidence and the too sudden curtailment of the circulating medium of the country. These anticipated calamities have been fortunately arrested by the wise and prudent course of legislation, pursued at the last session of your body, in relation to the banking institutions of the State, which, together with the discreet conduct and judicious management of the directory of these Banks, contributed greatly to lessen the disastrous consequences usually attending a derangement of the financial affairs of the country. The well-being and ultimate interest of all banking institutions are intimately connected with and dependent upon the general prosperity and solvency of the community in which they exist. The Banks, conscious of this, and sensible of their relative position towards the country in so eventful a period, assumed an elevated and just view of the duties they owed themselves, and the country that sustained them, and

adopted a policy characterized for its liberality and correctness. Instead, therefore, of materially restricting their operations and directing their efforts to the single purpose of enlarging their dividends, by an oppressive and rapid collection of their debts, they extended a well-timed indulgence to that portion of the community most sensibly affected by the financial revolutions of the country; and, in doing so, not only secured themselves against any serious loss, but protected from ruin and hopeless bankruptcy, many of the most enterprising and valuable citizens of the State, and at the same time averted from the community the paralyzing effects of a too sudden withdrawal of their paper from circulation, the amount of which, in Kentucky, had not, for some years past, exceeded the fair and legitimate demands of the enlarged and expanding business of the State. By this prudent course on the part of the Banks—by the energy of the people and abundant products of the soil, the severity of the shock has been but little felt, the price of property sustained, and the commercial interest of the State protected.

In the month of July last, with remarkable ease and convenience, all the Banks of Kentucky simultaneously resumed the payment of specie, without resorting to an essential curtailment of their circulation or adopting measures towards their debtors burthensome in their operations. These institutions have always, even during the period of the suspension of specie payments, possessed the confidence of the community; and their present condition, combined with the late ordeal through which they have passed with such credit to themselves, has reassured that high degree of confidence, and in public estimation, placed their solvency above suspicion.

By reference to the reports of the Banks, which will shortly be laid before you, it will be discovered that their indebtedness to the United States Bank, and to the General Government, has been greatly diminished, if not entirely liquidated. In the adjustment of these debts, they have been aided by the facilities afforded them in the transfer, to this State, of the Internal Improvement fund on deposit in the city of New York. The Banks, by a change of creditors, have been enabled to domesticate these debts, and thus have been relieved from all apprehension of any material diminution in the amount of their gold and silver, by the demands of individuals or corporations beyond the limits of the State, and by which arrangement their vaults are as abundantly protected as the most cautious could desire.

I recognize in the provision made for the appointment of a standing committee on Banks, a fortunate feature in your legislative proceedings. The cupidity of men, when associated by corporate enactments, for the purpose of conducting moneyed transactions, imperceptibly increases upon them, until the desire for the accumulation of wealth becomes inordinate, and they are not unfrequently led to resort to expedients for enlarging the profits of the institution, unauthorised by its corporate powers, in violation of the intention of its creation, and incompatible with and hurtful to the general interest of the community—hence the importance of the supervision of the legislature, and of a strict and scrutinizing periodical investigation. In making these remarks, it is not intended to cast the least opprobrium upon the conduct or management of any one of the Banks, for so far as I have been enabled to form an opinion, none are now obnoxious to the charge of the slightest violation of their charters. But the public weal requires, that all corporate bodies invested with exclusive privileges, should be regarded with

watchful care, their inevitable tendency being, always, rather to enlarge than simply to observe the limits of their legitimate powers.

During the present year much labor has been bestowed upon the various works of internal improvement throughout the State; the different turnpike roads are rapidly advancing to completion, and the latter part of the season has been particularly favourable to the progress of the works upon the rivers; a minute account of which will be reported by the Board of Internal Improvement. When the present contracts are finished, there will be completed, within the State, seven hundred and fourteen miles of turnpike roads, and three hundred and eighteen miles of slack-water navigation. The expenditure of the State in the construction of these roads, up to the tenth of October last, (including two hundred and one thousand nine hundred and three dollars, paid to the Lexington and Ohio railroad,) has been one million six hundred and eighty two thousand six hundred and sixteen dollars; and the amount required to complete the same is about eight hundred and seventeen thousand three hundred and eighty four dollars. There has been, up to the same period, expended upon the three rivers, Green, Kentucky, and Licking, six hundred and sixty seven thousand two hundred and ninety five dollars and seventy five cents; and the amount required to complete the works upon these rivers, now under contract, is, about one million five thousand six hundred and nine dollars and twenty five cents. The estimated cost of the works already completed, and those at present under contract when completed, is, ~~four~~ millions one hundred and seventy two thousand nine hundred and five dollars; of which sum two millions three hundred and forty nine thousand nine hundred and eleven dollars and seventy five cents have been expended, leaving the sum of one million eight hundred and twenty two thousand nine hundred and ninety three dollars and twenty five cents necessary to their completion. The total cost to the State of the improvements upon the roads and upon the Kentucky river, from its junction with the Ohio to the Three Forks, a distance of two hundred and fifty seven and a half miles—upon the Licking, from its mouth to West Liberty, a distance of two hundred and thirty one miles—and upon Green and Barren rivers, from the mouth of Green river to Bowlinggreen on Barren river, a distance of one hundred and seventy five miles, is estimated at about seven millions three hundred and thirteen thousand four hundred and sixteen dollars—a small amount when compared with the expenditures of other States upon similar objects.

To enter now upon an elaborate argument to prove the importance of a system of internal improvement, or to attempt a detail of the incalculable advantages that must inevitably result from the improvement of the country, after what has been done in Kentucky, would be supererogatory in the extreme. Its advantages and its policy are not now mooted questions. The system is already adopted. The wisdom of previous legislatures, who, in their laudable zeal to advance the interest of the Commonwealth, stepped forward and contended with and overcome the opposition that uniformly presents itself in the incipency of all great enterprises, has left you only the duty of expanding and prosecuting to completion, a policy so well calculated to enrich the State. It is well that the system has been commenced; had Kentucky slumbered to the present time, listless and indifferent to this great work, she would ere long be forced to its adoption by the irresistible influence of surrounding circumstances—by the energy that characterizes the

age, and by the example of other States that are, under the influence of the system, so rapidly advancing in wealth, in numerical and political importance. Kentucky cannot stand still; she must sustain herself in her commercial and political relations, and in her social intercourse with her sister republics, not only by adopting, but by carrying out similar measures; otherwise she becomes tributary to those States, and in the same ratio that they advance in prosperity, must she degenerate in physical and political power.

Your patience would be wearied, were I to attempt a history of the progress of internal improvement in other States of the Union, and you would become exhausted, were I to indulge in a detailed statement of the almost incalculable benefits resulting from a policy of the kind, when adopted and pursued to completion with vigor and energy. Suffer me, however, to refer to a few facts connected with the progress of the system in the State of New York, where the policy has been more thoroughly tested than in any other State in the Union. When Dewitt Clinton, whose name has been immortalized by his untiring efforts in the cause, first prevailed upon the Legislature to construct the great Erie canal, he was made the object of much contumely and ridicule; his views were pronounced quixotic, and the most profound statesmen of that day esteemed the project utopian and visionary in the extreme, and the enterprise "at least a century in advance of the age." The work, however, progressed to its completion, costing in its construction upwards of seven millions one hundred and forty three thousand dollars. Since which time the debt contracted by the State in the construction of the canal has been extinguished by its net proceeds, and in 1837 ten per centum on the sum was derived from the tolls received, after paying all incidental expenses and repairs. The successful result of this experiment imparted additional energy to the friends of internal improvement, inspirited the disponding, and induced the State fearlessly to embark upon the system. Although much has been done, still is the work progressing, until New York has now completed nine hundred and ninety five miles of canals and railroads, at the cost of nineteen millions four hundred and forty seven thousand seven hundred and eleven dollars,—has in progress eleven hundred and thirty four miles, which will cost, when completed, twenty three millions seven hundred and fifty thousand dollars; and has, in addition, authorized the construction of seventeen hundred and four miles, estimated to cost thirty one millions sixty four thousand dollars. She rests not here, but with the full assurance of the advantages resulting from the system, the last Legislature directed an enlargement of the Erie canal, at an estimated cost of fifteen millions of dollars. The State of New York now exhibits to the world, the astonishing and almost incredible fact, of a single State not yet numbering sixty five years in her political existence, having within her borders now completed, in progress, and authorized, three thousand eight hundred and thirty three miles of canals and railroads, costing the aggregate sum of eighty nine millions two hundred and sixty one thousand seven hundred and eleven dollars. Thus has New York attained her present elevated position of commercial and political influence, and through her canals and railroads every section of the government is made to contribute to her aggrandizement, establishing her city as the principal mart of the nation—the great focus of American and foreign commerce.

The central position and great natural advantages and resources of Ken-

tucky have never been properly appreciated by her citizens. Until very recently public attention has not been directed to the consideration of these distinctive qualities of the country, and the attention that even now exists, has alone been awakened by the system of internal improvement, which will, in its progress, unavoidably develope the latent wealth of the State. Recent investigations have led to the conclusion, from a data that forbids contradiction, that there are not less than ten millions of acres of coal and iron within the limits of the State, and that Kentucky has more iron and coal than the united kingdoms of England, Scotland and Ireland; notwithstanding which, England makes annually about one million of tons of pig iron, and mines twenty millions of tons of coal, whilst Kentucky only produces eighteen thousand tons of iron and a very inconsiderable quantity of coal; and yet even at this early period of her political existence, without the artificial advantages of transporting the manufactured article to market, she is the second State in the confederacy in the quantity of iron manufactured. The regular and progressive increase of the quantity of coal offered in market by Pennsylvania, also affords an interesting illustration of the salutary influence of the system of internal improvements upon the products and industry of the community adopting it. In 1820 that State offered, in market, only three hundred and sixty five tons of coal, and in 1837 the amount had increased to eight hundred and seventy four tons, yielding about five millions of dollars; and in 1834, there was invested in the anthracite coal trade alone, upwards of nineteen millions of dollars. After an exhibition of such facts as these, I need scarcely mention that the inexhaustible sources of wealth possessed by Kentucky in her coal, iron, salt, gypsum, hydraulic lime, and other minerals, must necessarily remain dormant and unproductive until the facilities of transportation to market are provided in the improvement of the country. Possessing all these minerals in superabundance, Kentucky is employing, at an immense cost other States, more active and alive to their interest, to furnish her these indispensable articles of daily consumption. The continuation in a course of policy so exhausting and disastrous in its effects upon the pecuniary interest of the State, when it is entirely within her power to will it otherwise, can only be attributable to an inexcusable apathy of the people upon subjects of such vital importance to the community.

That the system of internal improvement will not only be sustained but carried out by Kentucky, must be obvious to all who reflect upon the subject. We are forced to this conclusion by a review of the history of the system elsewhere; and whatever anxiety may be entertained for its rapid progress and expansion, we should at all times be restrained in the management of its details, by the dictates of prudence and the suggestions of reason. It should be remembered that the system, as it progresses, if prudently conducted, must inevitably carry with it to the most sceptical mind the conviction of its importance, and that it will, as the country advances, continue to expand in obedience to the increasing necessities and demands of the people. Influenced by these considerations, the correctness of the opinion expressed in my last annual communication in regard to the expansion of the works beyond the present contracts, is more forcibly impressed upon my mind. I believe that it would be, at this time, highly inexpedient to multiply the objects of improvement until the present contracts are completed, which can be effected before the expiration of 1840, provided the energies

of the State are concentrated upon its accomplishment. It is of great importance that the works at present under contract should be hastened to completion, not only that the disaffected may be satisfied of the utility of the system, but that the tolls arising therefrom may come in aid of the Sinking Fund in the payment of the interest upon the increasing debt of the State, otherwise the sums expended remain too long unproductive.

By an act, approved 16th February 1838, further to provide for the internal improvement of the State, the Governor was authorised to borrow one million two hundred and fifty thousand dollars, for internal improvement purposes. At that time this fund was entirely exhausted, and the Board was destitute of the means either to progress with the works or to comply with the obligations of the State to her contractors. That the Executive might not be wanting in its efforts to sustain the plighted faith of the State, and to avoid the disagreeable necessity of arresting the progress of the works, I determined, at the earliest period, to make an effort to obtain the money by offering the bonds in the eastern market. I, therefore, in March last, dispatched an agent duly authorised to make the negotiation, although but little hope was entertained of his being successful in the mission. At that time the whole circulating medium of the United States was greatly deranged—confidence in the financial ability of the country was destroyed, and but little disposition existed among capitalists to make investments of such magnitude, even in the securities of those States whose character and credit for punctuality had long been established. Contrary, however, to the expectations of all who were familiar with the depressed condition of the stock market, a negotiation was fortunately effected, highly advantageous to the State and creditable to the gentleman making the sale. The contract of sale embraces stipulations well calculated to elevate and establish in European markets, the character and credit of Kentucky, where her securities have been hitherto unknown, and where they are now introduced under the most favorable circumstances. There has already been paid upon the contract nine hundred and fifty thousand dollars, and the remaining three hundred thousand dollars, is payable in three equal instalments on the fifteenth of the present month, and on the first of January and February next. Upon the whole transaction there will be realized, over and above the nominal amount of the bonds, a premium of upwards of thirty five thousand dollars, which, by virtue of the existing laws upon the subject, passes to the Sinking Fund, to be invested by the Commissioners in safe and profitable stocks.

The Sinking Fund is so intimately connected with the system of internal improvement, that the success of the one depends much upon the prosperity of the other. No money can be prudently borrowed for the prosecution of the public works, unless the resources of the Sinking Fund are sufficient to enable the Commissioners to liquidate the semi-annual interest that accrues upon the bonds sold. The ability of the Sinking Fund is at present almost entirely hypothetical—on the first days of January and July of each year the interest upon the bonds of the State is made payable—in January the Commissioners may have at their command ample means to meet the interest then due upon the bonds, and the ability, in prospective, of paying the interest due in July; but so insecure is the basis upon which rests almost every dollar receivable by the Commissioners, that when the period arrives for the payment of the interest, their resources may have failed them—

nearly all being precarious, and the collection thereof depending upon contingences which may not happen; in which event the interest upon the bonds must remain unpaid and the obligations of the State unfulfilled, her character for punctuality forfeited, and her credit materially injured. Consequences so disastrous should be effectually guarded against, and to prevent such an occurrence, it is essential that your deliberations should be directed to the importance of providing, from time to time, additional and permanent supplies; which, when added to the present resources of the Fund, will render it more certainly adequate to the increasing demands upon it, and which will at the same time enlarge and expand its means preparatory to the ultimate payment of the principal borrowed. That a result of this kind may be effected, is as demonstrable as any arithmetical proposition, and to accomplish which requires but your watchful supervision and provident legislation.

The last annual report of the Commissioners of the Sinking Fund, made 14th December 1837, exhibited a balance on hand of sixty six thousand eight hundred and twenty seven dollars and seventy seven cents; since which time there has been received from the various sources tributary to the Fund, the sum of one hundred and sixty eight thousand six hundred and ninety five dollars and seventy eight cents, and expended, the sum of one hundred and eighty eight thousand and six dollars and seventy eight cents, of which expenditure the sum of one hundred and thirty eight thousand nine hundred and ninety seven dollars and twenty five cents, has been invested in the stock of the Northern Bank and Bank of Kentucky, leaving a balance on hand of forty seven thousand five hundred and sixteen dollars and seventy seven cents, from which is to be deducted twenty one thousand five hundred and sixty eight dollars and seventy five cents, the July instalment of interest due to the Board of Education. A more detailed statement of the Fund will be exhibited in the annual report of the Commissioners, which will be laid before you in due time.

By an act of Congress, approved June 1836, the surplus in the Treasury of the General Government, exceeding five millions of dollars, was directed to be deposited with the several States. Under the provisions of this act, Kentucky was entitled to the sum of one million nine hundred and eleven thousand six hundred and seventy six dollars and fifty two cents, three fourths of which has been received by the State. The payment of the fourth instalment, amounting to the sum of four hundred and seventy seven thousand nine hundred and nineteen dollars and thirteen cents, was, by act of Congress bearing date the second of October 1837, postponed until the first of January 1839. Although Congress has expressly reserved the right to withdraw these deposits from the States whenever it should be deemed necessary otherwise to dispose of the funds, it is evident that the intention of Congress, in thus disposing of the surplus revenue, was to make a permanent distribution rather than a temporary loan to the States, and this intention is more particularly indicated in the last enactment upon this subject, in which the power of making the requisition of the money deposited with the States is transferred from the Secretary of the Treasury to Congress itself. It is, therefore, probable that the representatives of the respective States will never direct a different disposition of these deposits, or require the States to refund them. Should the General Government ever require additional means to meet its expenditures, recourse will doubtless be had to other ex-

pedients to supply the necessary demand. Whether the present financial condition of the Treasury of the General Government will allow of the payment of the fourth instalment, at the time specified, is so extremely questionable, that it would not be prudent to permit its anticipated reception to have the slightest influence upon your deliberations. Should its payment, however, be promptly made, its distribution is already provided for by an existing law of this State; the sum of one hundred and fifty thousand dollars thereof is dedicated to the "founding and sustaining a general system of public instruction," and will be invested for the benefit of Common Schools; two hundred and four thousand nine hundred and forty nine dollars and forty five cents, five eighths of the remainder, is appropriated to the increase of the stock of the State in the fifth million of the capital of the Bank of Kentucky, and one hundred and twenty two thousand nine hundred and sixty nine dollars and sixty eight cents, the residue of this instalment, is placed under the management of the Commissioners of the Sinking Fund, who are directed to invest it in safe and profitable stocks.

In compliance with the request of the Executives of several States, I lay before you, for your consideration, the accompanying copies of the various preambles and resolutions adopted by the Legislatures of their respective States. Among them you will receive the resolutions passed by the Legislature of the State of Georgia, upon the subject of the refusal of the Executive of the State of Maine to deliver up to the Executive authority of Georgia certain fugitives from justice. A report of a joint committee, and resolutions of the Legislature of the State of Connecticut, in relation to the increase of the National Executive patronage; also, resolutions relating to the disposition of the public lands of the United States. A joint preamble and resolutions of the General Assembly of the State of Alabama in favor of the annexation of Texas to the United States of America. A joint preamble and resolutions of the General Assembly of the State of Arkansas in favor of the cession of the public lands, as provided in a bill introduced at a late session of the Congress of the United States, by the Hon. John C. Calhoun. And the resolutions of the State of Ohio in relation to the annexation of Texas to the Union, accompanied by a letter from his Excellency the Governor. That they will all receive that legislative notice and comity due from one republic to another, I am fully assured.

I herewith, also, transmit to you a copy of resolutions adopted by the Legislature of the State of Maine, respecting the franking privilege, together with those passed by the Legislature of the State of Vermont in relation to the same subject. As an object of general interest I would respectfully request your attention particularly to these resolutions. The Post Office Department was originally established for the convenience and benefit of the whole community, and should be made to subserve the purposes for which it was created. It is the only general medium of communication through which legislative and statistical information can be diffused, or the States and citizens apprised of the happening of important national events. It certainly never was designed, by those creating this department of the General Government, that it should be made a source of revenue or of unnecessary taxation of the people. I therefore fully concur in the resolutions adopted by the Legislature of Maine, and have ever believed that a law should be enacted by Congress enlarging the franking privilege, as suggested in those resolutions.

In obedience to a resolution, approved 15th February 1838, requesting the Governor to obtain the manuscript journals of the Conventions held in 1792 and 1799, I have instituted much inquiry and research. I have been enabled to procure a printed copy of the journals of the Convention of 1799, but have not succeeded in obtaining those of 1792, and it is seriously apprehended that the only copies then extant were consumed some years since by the burning of the capitol. I have been fortunate however in securing what is said to be a correct catalogue of the members composing the Convention of 1792, which is herewith transmitted.

By an act of your last session, the annual profits of the State arising from the Penitentiary are appropriated to the Sinking Fund, and the Keeper is required to pay over to the Commissioners of the Sinking Fund the Commonwealth's portion of the profits that had accrued since he has had charge of the institution. Upon an inspection of the books of the prison, the Commissioners found it necessary, in order to ascertain correctly the exact amount due the State, that the accounts should be examined, and the books properly balanced by disinterested and qualified Clerks. Competent accountants were accordingly engaged, and have been for some time past employed in ascertaining the precise condition of the fiscal affairs of the institution, but as yet have not completed the task. The Keeper has paid over to the Commissioners of the Sinking Fund the sum of five thousand dollars, which he supposes to be about the amount of the cash on hand due the Commonwealth, upon a fair and equitable settlement, and professes his readiness at any time, should it not be equal to the sum ascertained to be due, upon the books being balanced, to pay over the deficit; and represents to the Commissioners that the balance of that proportion of the profits to which the State is entitled, is embraced in the manufactured articles and raw materials on hand, and in the debts now due the institution.

The present law respecting the Penitentiary expires in March next; permit me respectfully to suggest that, in the future management of the institution, the Clerk should be an officer entirely independent of the Keeper; he should be appointed by the Executive, and subject to his removal, whose duty it should be to take exclusive control of the books and accounts of the institution, and to balance them quarterly; and he should be required to execute bond and to take the usual oaths of office. Should this amendment be made, and a salary attached to the office sufficient to command the most competent Clerks of the country, I have no hesitancy in saying that the difficulties that have heretofore presented themselves in the adjustment of the accounts, would be obviated in future.

By a joint resolution, adopted at your last session, the Governor was empowered to appoint some competent person to make a geological reconnoissance of the mineral regions of the State. The requirements of the resolution have not been overlooked; a subject of such importance, and one so well calculated to develop the hidden resources of the State, claimed my earliest attention. After making considerable inquiry for an individual eminently competent to the task, I tendered the situation to a gentleman of distinction in his profession, who accepted the appointment, and in a short time thereafter entered upon the duties enjoined upon him in the resolution, and will in due time, I have no doubt, lay before you, in a comprehensive and satisfactory report, the results of his research. It is confidently believed that the mineral resources of Kentucky are equal if not surpassing those of any other State in the Union. The great importance and usefulness of

a geological survey to the future advancement of the State, cannot be measured by conjecture. The discoveries made by an extended research of this kind, will lead to results of much greater magnitude than would be supposed upon a superficial view of the subject. It is a well established rule in domestic economy, that whatever can be produced or manufactured at home, should never be purchased abroad; the salutary influence of this maxim applies more forcibly to the management of public affairs than even to the arrangements of the homestead. Immense sums are yearly withdrawn from circulation in Kentucky, to be expended in the purchase, from other States, of coal, iron, salt, and other minerals, and of the various manufactured articles necessary to the comfort, husbandry and machinism of the country, whilst the presumption is, that by a geological survey it would be clearly illustrated, that the minerals of Kentucky are, not only adequate to the production of all of these articles for home consumption, but would, in their exportation to other States, be a source of annual income to the community greatly exceeding in its amount the revenue of the Commonwealth. It would quicken the energies of the people, direct their industry to new and lucrative branches of business, and induce the investment of much capital in the mining of coal and in the establishment of furnaces and forges for the manufacture of iron and salt—thus affording to many of our citizens much useful and profitable employment. Should, therefore, the expectations so generally entertained of the mineral wealth of the State be realized, there can exist but one opinion as to the propriety of ordering a minute geological survey. When this survey is made, the difficulties that now exist in the transportation of these commodities to market will present the only obstacle to the full enjoyment of the mineral wealth of the State, and which will itself be overcome by the completion of the system of internal improvement.

To enable a deliberative body, clothed with legislative powers, to act understandingly upon any subject whatever, connected with the general advancement and prosperity of the community, it is highly important that it should be minutely informed of the pursuits, products and condition of the country. To abrogate or amend such existing laws as are found burthen-some in their requirements, or oppressive in their operations, and to adopt such measures as will promote the interest of the State, it is essential that it should have a correct estimate of the capacities of the country, and be well advised of the inclinations and pursuits of the people; otherwise its action is based upon conjecture, and the measures adopted must consequently be inefficient, and result either in a partial attainment of the end desired, or in total defeat. Suffer me therefore to suggest the propriety of enacting a law by which the amount, kind and value of the agricultural products, of the manufactured articles, of the commerce and the exportation and importation of the State, can be satisfactorily ascertained and reported. By adopting a plan to ascertain and make public these statistical facts, an additional incentive would be imparted to the citizen, the aggregate amount of the business of the country greatly enlarged, and the Legislature enabled to offer, in the passage of wholesome laws, such encouragement as would create a laudable emulation among the people, calculated in its effects, to increase and expand the wealth and industry of the community.

It has become an unpleasant and painful but a necessary duty on my part, to solicit your attention to a subject of vast importance to the peace and

tranquility of society, as well as to the security of those rights that belong individually to the citizen. Greatly do I fear, that this happy land is on the brink of a fearful convulsion. The question that now agitates it, urged on by the feelings of infuriated fanaticism, involves the rights and institutions of the whole southern portion of the confederacy. A question more powerful, more reckless, and more menacing, than any that has ever disturbed the tranquility of our peaceful country. It regards no law—it quails at no consequences, although those consequences threaten the dissolution of the political and social ties that bind us together as a nation. Its misguided advocates, driven on by principles at war with the existence of social rights—principles denounced by every patriot—the growth of disordered intellect, and disorganized feeling, stop not to consider either the morality or the means to further their wild and illegal projects. These men are dangerous, not from their numbers, but from the principles by which they are actuated, and which influences them to action, in defiance of all law, regardless of all consequences, under a feeling of desperation and recklessness that usually characterizes the misguided and the fanatic.

Some of the Abolitionists of an adjoining State, not contented with the mere promulgation of opinions and views, calculated to excite a feeling of disaffection among our slave population, and to render this description of property insecure in the hands of its proprietors, have extended their operations so far as to mingle, personally, with our slaves, to enter into arrangements with them, and to afford them the means and facilities of escape from their owners. This flagitious conduct is not to be tolerated—it must be checked in its origin by the adoption of efficient and energetic measures, or it will, in all human probability, lead to results greatly to be deprecated by every friend to law and good order.

There is a spirit of Abolition now abroad in the land, that threatens fearfully the overthrow of all social intercourse between neighboring States, and is ominous of consequences appalling to every true lover of his country. It is a fact, no longer to be disguised, that the conduct of the Abolitionist, is at war with the acknowledged and legal rights of the citizen—that he tramples under his feet, laws that hold sacred the property of others, and feels no scruple in the commission of a crime, to advance that cause in which he has embarked with such reckless desperation. Kentucky has already exercised too much forbearance on this subject, and the advocates of these doctrines have been emboldened to progress from that which may be considered speculative to practical Abolitionism; or, in other words, from the use of absurd and fanatical arguments, to the actual abduction of our slaves for the purpose of emancipation. The true patriot, the honest and virtuous citizen—he who looks with ardent solicitude to the permanency of our free institutions, and the welfare of the republic—must deeply deplore the existence of an infatuation, in any portion of these United States, producing such results; prostrating so entirely the moral sense of enlightened freemen, and threatening consequences so destructive to those feelings of amity and kindness that ought to pervade every portion of our common country. We had fondly cherished the hope, that the good sense of our countrymen would have ultimately convinced them of the fallacy of these doctrines, and that perceiving their error, they would have abandoned a position, so fatal to the best hopes of the patriot, so false and dangerous in itself, and so obviously inconsistent with the general tranquility and the legal rights of a consider-

able portion of our citizens. Influenced by this expectation, we have forbore, until forbearance is no longer a virtue. Not now to act would be a criminal disregard of our rights—it would be a dereliction of those high duties that every citizen owes to himself. The evil is not imaginary, but has exhibited itself in a tangible shape, and must be encountered. This demon-like-spirit that rages uncontrolled by law, or sense of moral right, must be overcome—it must be subdued; its action in this State should be prohibited under such penalties as will effectually curb its lawlessness and disarm its power.

Property in slaves is guarantied to the citizen of this State by the laws and the constitution. He holds his slave by the same tenure that he holds all other property. He has as strong a demand upon the laws for the protection of this right as for the protection of any other. The laws should, therefore, be made adequate to this purpose, and this can only be effected in opposition to that feeling of fanaticism to which I have alluded, by inflicting capital punishment upon every individual who is instrumental in aiding or assisting a slave from this to any other State. We are exposed to losses of this kind upon the whole of our northwestern boundary; the facilities, therefore, afforded for the perpetration of this crime are numerous, and its suppression requires enactments of proportionate severity. In the faithful discharge of my official duty, I am required to protect the citizen in the enjoyment of his property, and in the accomplishment of this end, if milder means will not answer, I shall feel constrained to call into requisition every power with which I am invested by the laws and the constitution.

Permit me, respectfully, to mention the propriety of an enactment to prevent the propagation in this State of the views and arguments of the Abolitionists. They are professedly circulated for the conviction of the master, but really intended to operate on the slave. Why should a man be tolerated in the publication of opinions dangerous and ruinous to the security of my right to property, and at the same time be restrained from a publication injurious to my character? It is true that the Abolitionist holds this to be an abridgment of the freedom of opinion—but does not common sense teach all men, that if it be wrong to injure the character of his neighbor, by the circulation of slander against him, that it is equally wrong to circulate opinions injurious to any other right secured him by law, and the tendency of which is to put that right in jeopardy? No reason is necessary to demonstrate a proposition so entirely self-evident; and upon those, upon whom the voice of reason is lost and remonstrance makes no impression, no salutary influence can be exercised, except through the medium of the apprehension of direct and certain punishment.

The subject of general education is at this time attracting the attention of almost every civilized nation upon the globe. Many of the European powers are now earnestly engaged in the diffusion of useful knowledge, and are lending all their energies to the building up of a well digested system of Common Schools. Notwithstanding the correctness of the principle, "that a despotism is supported by *fear*, a republic by *virtue*," monarchs, in their great anxiety to augment the happiness of the human family, are endangering the permanency of their thrones, in the enlightenment of their subjects. In Prussia, in 1828, it is estimated that there were one million nine hundred and twenty three thousand two hundred children between seven and fourteen years of age, thirteen of every fifteen of whom were educated in her

public schools. In Austria and Germany, scarcely a child can be found that has not received the benefits of public instruction. Sweden has the reputation of being the best educated nation on earth. Even Russia, heretofore considered as the most illiterate and abject nation in christendom, is actively engaged in establishing and dispensing the blessings of a system of Common Schools. In the United States much has been done; a large majority of the States have adopted their systems of public instruction, and the attention of all is now directed to this important subject. In the State of New York, in 1836, there were reported to be five hundred and sixty three thousand eight hundred and eighty two children between five and sixteen years of age, and of this number five hundred and twenty four thousand one hundred and eighty eight were at school. In Connecticut it is stated that ninety one thousand six hundred and sixty six, of a population of two hundred and seventy five thousand, attended free schools. The States of Massachusetts, Connecticut, New York, Ohio, and several other States, have already established and in operation a very general and expanded system of Common Schools; whilst in almost every other State the system is in the progress of successful organization. Kentucky has, under very auspicious circumstances, just commenced her efforts in this great cause, and it is ardently hoped that she will not linger upon the threshold, but march onward with a determination and energy that will ensure the establishment of a permanent system of Common Schools; her citizens, in a most eminent degree, require all the advantages of a well regulated system. By the census of 1830, it appears that there were then in Kentucky one hundred and forty six thousand nine hundred and thirty one children between five and fifteen years of age; the number now may be fairly estimated at one hundred and seventy five thousand; the probable number of uninstructed children within the State may be arrived at, from the computation of those most familiar with the subject, that at least one third of the adult population of the State are unable to write their names; truly a most mortifying estimate, and one that should elicit the most vigorous and energetic legislation.

The freedom and equality of the citizen, one of the fundamental principles of the government, can only be maintained through the benign influence of moral education. Knowledge is as essential to civil freedom, as the general distribution of arms to military equality. It is the influence of education over the mind that enables man to gain the splendid triumph of reason over passion—of justice over prejudice—of liberty over despotism. No intellectual freedom can be long enjoyed—no government, based upon the broad principles of republicanism, can long be sustained, or the liberty of its citizens perpetuated, whilst the great body of the people remain uneducated. If we turn to the history of the past and direct our inquiries to the moving causes of the decline and subversion of ancient governments, we are answered—when learning declined, their liberty degenerated—when education fell into disrepute, tyranny made its appearance—we see those beautiful models of free governments exchanging their boasted independence for abject slavery—we find proud and magnificent Athens falling into ruins—stern and inflexible Sparta yielding her iron laws of equality, and Rome, with all her potency, succumbing to designing demagogues, because of the decay of knowledge, and the neglect of intellectual cultivation. The history of the past, portends the events of the future. Without a general dissemination of useful education, both physical and moral, all nations must live and

expire in ignoble obscurity; it is as essential to the perpetuity of republics as heat to the vegetation of the earth; for freedom, like intense fire, can only be kept alive by continued watchfulness—by continued effort, every patriotic exertion imparting to it new vigor, and in the ratio that it burns, it expands and brightens into a purer flame. None doubt the capacity of the people to manage and direct the affairs of a nation; their ability for self government is amply illustrated in the history of our own republic; but the great difficulty to encounter in the successful presentation of any great enterprise is, in arousing the sleeping energies of the State, in awakening the people to its importance, and in enlightening them, by placing all the facts before them, to dispell that morbid sensibility and consequent distrust and apprehension that, too frequently, either defeats or retards the progress of the mental and physical improvement of the country.

The Superintendent of Common Schools has been actively engaged in the discharge of the arduous duties appertaining to his office. As much has been done to forward the establishment of the system as could have been reasonably expected in so short a time. It was not contemplated that an enterprise of such magnitude and so extended and minute in its details could be matured in one or even ten years. Its reception by the people has been as favorable as its most zealous friends anticipated, scarcely a division of opinion manifesting itself in regard to the great importance of a general diffusion of education, and no principle seems to be more universally admitted correct, than that the durability of all free governments depends upon the intelligence and virtue of the people. When objections have been urged, they were not against the principle of education, but against the specified plan and provisions of the present law. The Legislature, in adopting the system, were fully apprized of the impracticability of framing a law free from objections. In the effort that has been made to carry this law into operation, it has been found defective in several particulars. It will be recollected that by an enactment of 23d February 1837, it was made the duty of the Commissioners of tax to ascertain and express on their books the number of free white children between the ages of five and eighteen years; this provision of the law has not been complied with, in consequence of which failure, the Board of Education have been unable to ascertain the amount due from the School Fund to any county or district, and no apportionment could, therefore, be made to the districts that have moved in the system, until the whole number of children within the State, between the proper ages, was ascertained. The law is defective in its provisions in relation to the Commissioners of counties; by their failure to act, the progress of the system is entirely arrested in the county in which they are appointed; the duties required of them are very onerous, they receive no compensation for their services, and consequently their co-operation is most generally withheld. Without the existence of a strong public sentiment in favor of the system, the inducement offered in the amount contributed by the State, is too small to excite the citizens to its adoption. The great obstacle to the establishment of Common Schools is, however, not so much the defects of the law as the apathy of the people. No law can be efficient unless the people are impressed with the importance of its faithful execution, and in the introduction of all great enterprises, public opinion must precede and not follow the efforts to establish it; public opinion in this country being supreme, both in leading to the passage and in willing the repeal of law. A

system that is to endure for ages requires time to mature; experience alone, therefore, can perfect the system, and were it possible now to offer a plan entirely faultless in its provisions, it would not be immediately adopted by the people: the subject is new to them, and the public mind must be first aroused and enlightened in regard to its operations and influences upon the general weal of the country. Many misconceptions of the law and its objects have doubtless been adopted and prejudices formed, which should be explained and overcome. These errors and prejudices can only be effectually corrected by the Superintendent, in person, presenting the subject directly before the people in popular assemblies. It should, therefore, be made his duty to visit every section of the State, to call public meetings in the county towns and neighborhoods, and to deliver addresses explanatory of the law and of the benefits resulting to the country from the establishment of Common Schools; thus public attention would be directed to the subject, and the co-operation of all favorable to the system secured. The present salary is inadequate to secure the undivided attention of a Superintendent competent to the arduous and responsible duties of the office. So much of the success of the system depends upon this officer, that the salary should be sufficient to command the services of the most enlightened, active and efficient agent. The system must ultimately be established, and when once in successful operation, it will be highly acceptable to the people; but it requires much labor and patience, time and perseverance. Other States have encountered and overcome all difficulties, and are now reaping the reward of their assiduity—Kentucky, with as much patriotism, energy and decision of character, I am fully persuaded can do the same.

JAS. CLARK.

DECEMBER 4, 1838.

[*For Documents accompanying the Governor's Message—see Appendix.*]

On the motion of Mr. James,

Ordered, That the Public Printer print 3000 copies of the said message for the use of the Senate.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 5, 1838.

Mr. George Roberts, a member of the Senate from the fourteenth Senatorial District, and Mr. Elijah F. Nuttall, a member of the Senate from the sixteenth Senatorial District, appeared and took their seats.

The following standing committees were appointed, to-wit:

On the Judiciary—Messrs. Guthrie, Beatty, James, Dixon, and Hanson.

Of Propositions and Grievances—Messrs. Willis, Johnston, James V. Walker, Weller, and Rice.

Of Privileges and Elections—Messrs. Huston, Jesup, Morgan of Nicholas, Davidson, and De Courcy.

Of Religion—Messrs. Wingate, Beatty, Pratt, Bradshaw, and Morgan of Nicholas.

Of Internal Improvement—Messrs. Ballinger, Clarke, Watkins, Murrell, and Jasper.

Of Finance—Messrs. Hanson, Burnett, Tomlinson, Johnston, and Rice.

On Education—Messrs. Beatty, Weller, S. Young, Nuttall, and Walker of Madison.

On the Penitentiary—Messrs. Pitts, Barlow, Ford, Schooling, and Wallace.

On Military Affairs—Messrs. Jesup, Davidson, Roberts, Wallace, and Pratt.

JOINT COMMITTEES.

On Enrollments—Messrs. Barlow, Burnett, and Watkins.

On Banks—Messrs. Guthrie and Beatty.

On the Library—Messrs. Clarke, Rice, and Burnett.

On Public Offices—Messrs. Murrell and Ford.

1. Mr. Pitts presented the petition of Edward McCoy, praying for additional compensation for taking in lists of taxable property in Butler in the year 1837.

2. Mr. Weller presented the petition of Sabrina Matlock, praying for a divorce from her husband, John Matlock.

3. Mr. Wingate presented the petition of Lucy Jacobs, and sundry citizens of Owen county, praying that the said Lucy be divorced from her husband, Martin Jacobs.

4. Mr. S. Young presented the petition of George H. Clements and others, praying for the passage of a law authorizing them to convey a tract of land in Nelson county.

5. Mr. Weller presented the petition of James Morse, praying for the passage of a law authorizing the Trustees of the town of Princeton to convey to him four lots in said town.

6. Also, the petition of John W. Simpson, praying for the passage of a law releasing to him the right of the State to three hundred acres of land in Livingston county, which has been forfeited for the non-payment of taxes.

Which petitions were received, and with the documents accompanying the same, were referred; the first, to the committee of Finance; the second and third, to the committee of Religion; and the fourth, fifth and sixth, to the committee on the Judiciary.

On the motion of Mr. James,

Resolved, That the committee on Finance be instructed to inquire into the expediency and propriety of extending the time for taking judgments against the collectors of the revenue of this Commonwealth.

Leave was given to bring in the following bills, viz:

On the motion of Mr. S. Young—1. A bill to amend the law incorporating the town of Bardstown.

On the motion of Mr. Rice—2. A bill to regulate the conveyance of town lots in Louisa, Lawrence county, and to legalize the conveyances already made.

On the motion of Mr. Jesup—3. A bill to repeal the law respecting the importation of slaves into this State, approved February the 2d, 1833.

On the motion of Mr. Guthrie—4. A bill to regulate the administration and settlement of estates.

5. A bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time.

6. A bill to prohibit unlawful dealing by corporations, and the better to protect the currency.

Messrs. S. Young, Guthrie and James, were appointed a committee to prepare and bring in the first; Messrs. Rice, Clarke and Pratt, the second; Messrs. Jesup, James and Jasper, the third; and the committee on the Judiciary were directed to prepare and bring in the fourth, fifth and sixth.

On the motion of Mr. James,

Resolved, That so much of the Governor's message as relates to the Judiciary and Abolition, be referred to the committee on the Judiciary; so much as relates to Internal Improvement, be referred to the committee on Internal Improvement; so much as relates to the Penitentiary, be referred to the committee on the Penitentiary; so much as relates to the fiscal affairs of this Commonwealth, be referred to the committee on Finance; and that so much as relates to Education, be referred to the committee on Education.

And then the Senate adjourned.

THURSDAY, DECEMBER 6, 1838.

The Speaker laid before the Senate the annual report of the Agent and Keeper of the Penitentiary.

[*For this report—see Appendix.*]

Ordered, That the said report be referred to the committee on the Penitentiary.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Burnett presented the petition of William Wilson, praying for a divorce from his wife, Mary Wilson.

2. Mr. James presented the petition of the members of the bar in the sixteenth Judicial District, praying that the time of holding the Courts in said district may be changed.

3. Mr. Willis presented the petition of Jefferson A. Murray, praying for a divorce from his wife, Louisa Murray.

4. Mr. Pitts presented the petition of James P. Howard, praying for a divorce from his wife, Paulina Howard.

5. Mr. Jasper presented the petition of Sarah J. Phelps, praying for a divorce from her husband, Vincent Phelps.

6. Mr. Ballinger presented the petition of Abel Penington and others, praying for an appropriation to improve the navigation of the middle fork of Kentucky river.

7. Mr. Jasper presented the petition of Joseph Poulson, praying for a divorce from his wife, Viney Poulson.

8. Mr. Jasper presented the petition of Rebecca Wilson, praying for the passage of a law authorizing the sale of a tract of land in Pulaski county, of which her late husband died seized, and that the proceeds be vested in lands in the State of Illinois.

9. Mr. J. S. Morgan presented the petition of M. Riell, praying for compensation for apprehending Roswell Sturdivant, a fugitive from justice.

10. Mr. Guthrie presented the petition of Ferdinand Hunn, praying for a divorce from his wife, Catharine Hunn.

Which petitions were received and referred; the 1st, 3d, 4th, 5th, 7th, and 10th, to the committee of Religion; the 2d, to a committee of Messrs. James, Weller and Burnett; the 6th, to the committee of Internal Improvement; the 8th, to the committee on the Judiciary; and the 9th to the committee of Propositions and Grievances.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Hanson, from the committee of Finance—A bill to change the January term of the General Court.

By Mr. S. Young—A bill to amend the law incorporating the town of Bardstown.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills being dispensed with, they were referred to the committee on the Judiciary.

Mr. Wingate moved the following resolution, viz:

Resolved, That the committee on Religion be instructed to report against all applications for a divorce, where the case is provided for by law.

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs Wingate and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Walker, J. V.
Beatty,	Johnston,	Wallace,
Clarke,	Morgan. J. S,	Watkins,
Davidson,	Nuttall,	Weller,
Ford,	Rice,	Wingate,
Guthrie,	Tomlinson,	Young S.—20.
Hanson,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Barlow,	James,	Pratt,
Bradshaw,	Jasper,	Roberts,
Burnett,	Jesup,	Schooling,
De Courcy,	Murrell,	Willis—14.
Dixon,	Pitts,	

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to amend the charter of the city of Covington.

An act for the benefit of Mary Ann Sellers and Sarah E. Sellers.

Which bills were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills being dispensed with, they were referred to the committee on the Judiciary.

Mr. Dixon moved for leave to bring in a bill to repeal an act entitled, an act to equalize taxation, approved February 23d, 1837.

The consideration of the said motion was postponed until Wednesday next.

Two messages, in writing, were received from the Governor, by Mr. Bullock, Secretary of State.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—1. A bill to establish a new judicial district out of the counties of Woodford, Anderson, Franklin, Shelby, and Owen.

On the motion of Mr. Nuttall—2. A bill to amend the law in relation to the action of trespass.

On the motion of Mr. Ballinger—3. A bill for the benefit of William Crabtree.

On the motion of Mr. Jesup—4. A bill to branch the Bardstown and Green river roads, and for other purposes.

On the motion of Mr. Jesup—5. A bill to branch the Logan, Todd and Christian turnpike road, and for other purposes.

On the motion of Mr. Wingate—6. A bill for the benefit of Joel Herndon, Sheriff of Owen county.

On the motion of Mr. Pitts—7. A bill for the benefit of the Sheriff of Butler county.

On the motion of Mr. Johnston—8. A bill to amend the law incorporating the town of Simpsonville, in Shelby county.

On the motion of Mr. Guthrie—9. A bill giving boatmen, mariners, mechanics, tradesmen, and others, liens on steamboats and other steam vessels.

The committee on the Judiciary was directed to prepare and bring in the first and ninth; the committee of Finance, the third, sixth and seventh; the committee of Internal Improvement, the fourth and fifth; Messrs. Nuttall, Ballinger and Willis, were appointed a committee to prepare and bring in the second; and Messrs. Johnston, Nuttall and Huston, the eighth.

On the motion of Mr. Willis, the petition of Aaron Harding, administrator of the estate of D. Campbell, deceased, was taken up and referred to the committee on the Judiciary.

And then the Senate adjourned.

FRIDAY, DECEMBER 7, 1838.

1. Mr. De Courcy presented the petition of Enoch Stephens, and Martha, his wife, praying for a divorce from each other.

2. Mr. Rice presented the petition of William C. Ball, John C. Ball and Harrison G. Burns, who stand charged in the Greenup Circuit Court with malicious stabbing of Jacob Kouns, praying for a change of venue.

3. Mr. Weller presented the petition of sundry citizens of the town of Princeton, praying for the passage of a law authorizing the appointment of an additional Justice of the Peace for said town.

4. Mr. Pitts presented the petition of sundry citizens of Butler county, praying that the place of voting in an election precinct in said county may be changed.

5. Mr. Pitts presented the petition of sundry citizens of Butler county, praying for the establishment of an election precinct in said county.

Which petitions were received and referred, the first to the committee of Religion; the second to the committee on the Judiciary; the third to the committee of Propositions and Grievances; and the fourth and fifth to the committee of Privileges and Elections.

Mr. Guthrie from the committee on the Judiciary, to whom was referred the petition of James Morse, reported the following resolution thereon, viz: *Resolved*, That the said petition be rejected—which was concurred in.

Mr. Guthrie from the same committee, reported the following bills, viz: A bill for the benefit of John W. Simpson.

A bill to regulate the administration and settlement of estates.

Which bills were each read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the first was ordered to be engrossed and read a third time, and the second was recommitted to the committee on the Judiciary, and the Public Printer was directed to print one hundred and fifty copies thereof for the use of the General Assembly.

Mr. Jesup, from the committee appointed for that purpose, reported a bill to repeal the law prohibiting the importation of slaves into this state, approved February 2, 1833, which was read the first time; the second reading being objected to, the question was taken, shall the said bill be rejected, and it was decided in the negative, and so the said bill was ordered to be read a second time.

The yeas and nays being required thereon by Messrs. Watkins and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Pratt,
Beatty,	Huston,	Rice,
Clarke,	Morgan,	Wallace,
Davidson,	Nutall,	Wingate—13.
De Courcy,		

Those who voted in the negative were—

Messrs. Barlow,	Jesup,	Walker, C. J.
Bradshaw,	Johnston,	Walker, J. V.
Burnett,	Murrell,	Watkins,
Dixon,	Roberts,	Weller,
James,	Schooling,	Willis,
Jasper,	Tomlinson,	Young S.—18.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. Willis,

Resolved, That the Senate have heard of the death of Col. Anthony Crockett, formerly an officer of this body for many years, with deep regret; and as a testimonial of their high regard for his valor and patriotism, displayed in his services in the war of the revolution and the late war, his virtues as a citizen, and his upright and correct deportment as a public officer, they will wear the usual badge of mourning on the left arm for thirty days.

Mr. Johnston presented the annual report of the Board of Internal Improvement of Shelby county, which is as follows, to-wit:

To the Legislature of Kentucky:

In obedience to the requirements of various acts of the Legislature of this State, the Board of Internal Improvement for Shelby county,

REPORT:

That the receipts of tolls at the Turnpike Gates in Shelby county, from the 20th November, 1837, to the 20th May, 1838, being the first six months of the fiscal year, amount to	\$8,486 49
And from 20th May to 20th November, 1838, being the last six months,	9,200 25½
Total amount received for tolls,	\$17,686 74½
There was cash in the hands of the Treasurer at the commencement of the current year,	\$543 14
And cash received on judgment against former Treasurer from John T. Parker, security,	2,600 00
	3,143 14
	\$20,829 88½

Amount brought forward, - - - -	\$20,829 88½
The Treasurer has paid in cash upon the orders of the Board, per his vouchers, filed as follows, viz:	
On account of contracts made in 1837, and not finished when the last annual report was made, \$9,541 00	
On account of dividends declared in 1834, 1835, and 1836, - - - - -	443 93½
To toll-gate keepers, (four,) - - - -	720 00
For rent of two houses for gate keepers, -	45 00
To superintendent, - - - - -	650 00
On contract for permanent repairs on road east of Shelbyville, made this year, - - -	6,735 00
For ordinary repairs on the road west of Shelby- ville, sideways, culverts and repairs on the east end of the road, under contracts made prior to the 1st of May last, - - - - -	2,341 58
	<hr/> 20,476 51½
Balance now in the Treasury, - - - -	\$353 37½
There remains of the judgment recovered against Thomas W. Newton, former Treasurer, and his security, for his delinquency in 1837, and upon which nothing will be lost,	4,006 00
	<hr/> \$4,359 37½
There yet remains due of dividends on stock, for the years 1834, 1835 and 1836, uncalled for, - - - -	396 46
	<hr/> \$3,962 91½

The length of the turnpike road east of Shelbyville, is 4,076 rods, all of which is now under contract at an average of \$1 25 per perch, for furnishing and breaking the rock, and 16½ cents per perch for putting on and spreading the same. It is estimated to average four perch per rod, thus making 16,304 perch at \$1 41½, including the spreading, will amount

to - - - - -	\$24,140 00
Towards which there has been paid, - - - - -	6,735 00
	<hr/> 17,405 00
From which deduct the balance above, - - - -	3,962 91½
	<hr/> <u>\$13,442 08½</u>

The existing contracts will probably have been complied with on the part of the Contractors within twenty days from this time, and the above stated sum of \$13,442 08½ may be justly estimated as the balance which will be due from this Board; and to discharge which, reliance is alone had upon the future receipt of tolls.

Much work remains yet to be done upon the sideways; and many culverts, where there are now washes, must be made the next season; and up-

on ten miles of the road west of Shelbyville, about two perch of rock per rod, will be requisite to put the road in good order; all of which may be estimated at a cost of \$10,000.

The receipt of tolls during the next year, if the rate be not increased, may be estimated at \$17,000—the present rate, however, should be raised. The balances estimated to comply with present contracts be-

ing,	-	-	-	-	-	-	-	-	-	\$13,442 08½
And the probable expenses for repairs for the next year being										10,000 00

Thus making,	-	-	-	-	-	-	-	-	-	23,442 08½
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By adding to or raising the present rate of tolls 50 per centum, this Board, at the end of the next year, may have the road in good repair, and be free from debt, but will not be able to declare any dividend—nor was any declared the present year; and it was thought impolitic to increase the tolls until the repairs between Shelbyville and the Franklin county line should be thorough.

All of which is respectfully reported by order of the Board.

SAMUEL TEVIS, *Chairman*.

SHELBYVILLE, Dec. 1st, 1838.

The said report was laid on the table.

And then the Senate adjourned.

SATURDAY, DECEMBER 8, 1838.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

1. An act to change the names of Mary Ann Brumley and Abigail Ann Brumley.

2. An act allowing two additional Justices of the Peace and one Constable to the county of Whitley, and two additional Justices to Madison county.

3. An act to change the place of voting in the Mulliken precinct, in Fleming county.

4. An act to allow an additional Justice of the Peace to the county of Logan.

5. An act allowing an additional Constable to the counties of Clinton and Adair.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, 4th and 5th, were referred to the committee of

Propositions and Grievances; and the third to the committee of Privileges and Elections.

The Speaker laid before the Senate the annual report of the Treasurer.

[*For this report—see Appendix.*]

Ordered, That the said report be referred to the committee of Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the city of Covington, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to prohibit unlawful dealing by corporations, and the better to protect the currency.

2. A bill giving the officers, and crew, and mechanics, and others, a lien on steamboats.

3. A bill for the benefit of the estate of David Campbell.

By Mr. Willis, from the committee of Propositions and Grievances—4. A bill for the benefit of Matthew Reid, and the representatives of Samuel M. Smith, deceased.

5. A bill allowing an additional Justice of the Peace to the county of Caldwell.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, and 3d were referred to the committee on the Judiciary; the 4th to the committee on Finance; and the 5th was ordered to be engrossed and read a third time.

Ordered, That the Public Printer print 150 copies of the first and second bills for the use of the General Assembly.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following bills, viz:

A bill to change the January term of the General Court:

A bill to amend the law incorporating the town of Bardstown, reported the same with an amendment to each—which was concurred in.

Ordered, That the said bills be engrossed and read a third time.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Willis—1. A bill to amend the laws in relation to the mode of summoning and paying Jurors.

On the motion of Mr. James—2. A bill to establish the town of Love-laceville, in the county of McCracken.

On the motion of Mr. Clarke—3. A bill to amend the charter of the town of Nicholasville.

On the motion of Mr. Roberts—4. A bill to amend the execution laws.

On the motion of Mr. De Courcy—5. A bill to amend the law regulating and establishing Common Schools in this Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Education the 5th; Messrs. James, Weller and J. V. Walker were appointed a committee to prepare and bring in the 2d; Messrs. Clarke, Wingate and Wallace the 3d; and Messrs. Roberts, Guthrie and Ballinger the 4th.

A message, in writing, received from the Governor on the 6th instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
December 6th, 1838. }

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following officers have been commissioned until the end of your present session. I therefore nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, viz:

Ambrose W. Dudley, to be Quarter Master General, in place of John Woods, deceased.

William Olds, to be Major General of the 5th Division, in place of James McConnell, resigned.

Robert Doak, to be Brigadier General of the 2d Brigade, in place of George Boswell, deceased.

George W. Darnaby, to be Brigadier General, of the 5th Brigade, in place of William Olds, if promoted.

Jacob Newkirk, to be Brigadier General of the 29th Brigade, in place of J. H. Hobbs, removed.

Isaiah Miller, to be Colonel of the 3d regiment, in place of William Morgan, deceased.

James Miller, to be Lieutenant Colonel of the 3d Regiment, in place of W. Dunavon, refused.

Jacob B. Hayden, to be Major of the 3d Regiment, in place of James Miller, if promoted.

John E. Wright, to be Lieutenant Colonel of the 6th Regiment, in place of Robert Miller, resigned.

Stephen H. Slaughter, to be Major of the 6th Regiment, in place of John E. Wright, if promoted.

William Hill, to be Major of the 7th Regiment, in place of Thomas W. Sampson, removed.

Neal McCann, to be Colonel of the 8th Regiment, in place of George W. Darnaby, if promoted.

Larkin Webster, to be Lieutenant Colonel of the 8th Regiment, in place of Neal McCann, if promoted.

Robert C. Rogers, to be Major of the 8th Regiment, in place of Larkin Webster, if promoted.

Morton Zimmerman, to be Major of the 9th Regiment, in place of David Campbell, refused.

Zachariah White, to be Colonel of the 11th Regiment, in place of W. Wooldridge, resigned.

Benjamin Wickersham, to be Lieutenant Colonel of the 11th Regiment, in place of Zachariah White, if promoted.

Samuel C. Scott, to be Major of the 11th Regiment, in place of Benjamin Wickersham, if promoted.

Thomas R. Stockdale, to be Lieutenant Colonel of the 12th Regiment, in place of S. B. McKinney, resigned.

Joel T. Strickler, to be Major of the 12th Regiment, in place of T. R. Stockdale, if promoted.

William H. Hamilton, to be Colonel of the 13th Regiment.

Preston Eads, to be Lieutenant Colonel of the 13th Regiment.

Archer S. Waugh, to be Major of the 13th Regiment.

Alexander Lile, to be Colonel of the 16th Regiment, in place of Charles B. Gunn, refused.

William G. Kean, to be Lieutenant Colonel of the 16th Regiment, in place of A. Lile, if promoted.

William Hutcherson, to be Major of the 16th Regiment, in place of Wm. G. Kean, if promoted.

William A. Gorham, to be Lieutenant Colonel of the 22d Regiment, in place of John P. Conway, resigned.

Fielding Tracy, to be Major of the 22d Regiment, in place of William A. Gorham, if promoted.

Thomas H. Drane, to be Colonel of the 23d Regiment, in place of James Henderson, resigned.

John D. Coffman, to be Lieutenant Colonel of the 23d Regiment, in place of Thomas H. Drane, if promoted.

Alexander Campbell, to be Major of the 23d Regiment, in place of John D. Coffman, if promoted.

William Hughes, to be Colonel of the 24th Regiment, in place of Richard Miles, resigned.

Angereau Franklin, to be Lieutenant Colonel of the 24th Regiment, in place of E. Hill, resigned.

George W. Hardin, to be Major of the 24th Regiment, in place of D. Flamray, resigned.

George S. Whips, to be Colonel of the 33d Regiment, in place of Jacob Newkirk, if promoted.

Thomas J. Young, to be Lieutenant Colonel of the 33d Regiment, in place of George S. Whips, if promoted.

Stephen Ormsby, Jr., to be Major of the 33d Regiment, in place of John W. Williamson, resigned.

James F. Runyon, to be Major of the 35th Regiment, in place of Madison Todd, resigned.

Richard D. Waters, to be Lieutenant Colonel of the 37th Regiment, in place of Ben. C. Simpson, deceased.

Daniel Nowland, to be Major of the 37th Regiment, in place of Richard D. Waters, if promoted.

Presley N. O. Thompson, to be Lieutenant Colonel of the 39th Regiment, in place of David Myers, resigned.

Thomas Fruit, to be Major of the 39th Regiment, in place of P. N. O. Thompson, if promoted.

Moseley P. Wells, to be Colonel of the 40th Regiment, in place of Wm. McNary, resigned.

Samuel F. Vaught, to be Lieutenant Colonel of the 40th Regiment, in place of Mosley P. Wells, if promoted.

Peter Johnson, to be Major of the 40th Regiment, in place of S. S. Baker, resigned.

Thomas G. Randall, to be Major of the 42d Regiment, in place of Lorenzo D. Foley, absent.

Charles Murnan, to be Lieutenant Colonel of the 48th Regiment, in place of John Colvin, removed.

William Rardin, to be Major of the 48th Regiment, in place of Charles Murnan, if promoted.

Ashford Woodward, to be Major of the 49th Regiment, in place of Uzal Conditt, refused.

John Squires, to be Colonel of the 51st Regiment, in place of William Foster, promoted.

John W. Williams, to be Lieutenant Colonel of the 51st Regiment, in place of H. W. Johnson.

Isham Bolin, to be Colonel of the 52d Regiment, in place of Enoch Yantis, resigned.

John Popplerrell, to be Lieutenant Colonel of the 52d Regiment, in place of William Winfrey, resigned.

Burton Blair, to be Major of the 52d Regiment, in place of Isham Bolin, if promoted.

Charles C. Lockett, to be Lieutenant Colonel, of the 55th Regiment, in place of John Hays, resigned.

Bryant Nichols, to be Major of the 55th Regiment, in place of William B. Greer, resigned.

John Coffer, to be Lieutenant Colonel of the 60th Regiment, in place of A. K. Sturgeon, resigned.

Thomas Price, to be Major of the 60th Regiment, in place of John Coffer, if promoted.

David R. Dugan, to be Major of the 62d Regiment, in place of Harrison Yewell, resigned.

John Spilman, to be Lieutenant Colonel of the 64th Regiment, in place of William Waggle, resigned.

James Siddons, to be Major of the 64th Regiment, in place of John Spilman, if promoted.

Richard H. Botts, to be Major of the 67th Regiment, in place of D. Merrick, promoted.

Silas M. Berry, to be Colonel of the 77th Regiment, in place of Alfred J. Hall, deceased.

W. W. Jacobs, to be Lieutenant Colonel of the 77th Regiment, in place of S. M. Berry, if promoted.

Shelby Waters, to be Colonel of the 78th Regiment, in place of John G. Boyd, resigned.

John Henderson, to be Lieutenant Colonel, of the 78th Regiment, in place of Shelby Waters, if promoted.

G. B. Kelly, to be Major of the 78th Regiment, in place of John Henderson, if promoted.

Armstead Long, to be Colonel of the 83d Regiment, in place of French S. Gray, removed.

Walter Barron, to be Lieutenant Colonel of the 83 Regiment, in place of J. W. Hedges, refused.

George W. Whitecotton, to be Major of the 83d Regiment.

Isaac Houseworth, to be Colonel of the 85th Regiment, in place of Robert Doak, if promoted.

John Frazier, to be Lieutenant Colonel of the 85th Regiment, in place of Isaac Houseworth, if promoted.

Peter Courtney, to be Major of the 85th Regiment, in place of John Frazier, if promoted.

John B. Bell, to be Lieutenant Colonel of the 92d Regiment, in place of R. C. McBrayer, resigned.

David Blackwell, to be Major of the 92d Regiment, in place of Samuel Birge, refused.

John T. Friend, to be Lieutenant Colonel of the 98th Regiment, in place of John Clark, resigned.

John G. Hatcher, to be Major of the 98th Regiment, in place of John T. Friend, if promoted.

Robert B. Buckner, to be Major of the 99th Regiment, in place of Jacob D. Saltsman, promoted.

H. M. Clark, to be Major of the 107th Regiment, in place of John M. Clark, removed.

Samuel B. Kingkead, to be Colonel of the 114th Regiment.

Lewis C. Roberts, to be Lieutenant Colonel of the 114th Regiment.

Andrew Mers, to be Major of the 114th Regiment.

Henry W. Johnston, to be Colonel of the 117th Regiment, in place of John Fibble.

William G. Pearce, to be Lieutenant Colonel of the 117th Regiment, in place of J. N. Carson.

Burr H. May, to be Major of the 117th Regiment in place of William G. Pearce, if promoted.

James Payne, to be Colonel of the 121st Regiment, in place of Benjamin Tuggle, resigned.

William Trosper, to be Lieutenant Colonel of the 121st Regiment, in place of James Payne, if promoted.

Patrick H. Pope, to be Colonel of the 122d Regiment, in place of Wm. McCauley, resigned.

Alexander P. Churchill, to be Lieutenant Colonel of the 122d Regiment, in place of James Densford.

John Shadburn, to be Major of the 122d Regiment, in place of Alexander P. Churchill, if promoted.

Phillip Engle, to be Major of the 121st Regiment, in place of William Prosper, if promoted.

William B. Jenkins, to be Colonel of the 125th Regiment, in place of Dymor Downing, promoted.

Isaac Gibson, to be Lieutenant Colonel of the 125th Regiment, in place of William B. Jenkins, if promoted.

Andrew Shuck, to be Major of the 125th Regiment, in place of Isaac Gibson, if promoted.

John Walker, to be Colonel of the 126th Regiment, in place of C. F. Burton, resigned.

G. S. Caldwell, to be Lieutenant Colonel of the 126th Regiment, in place of John Walker, if promoted.

James Bowling, to be Major of the 126th Regiment.

John C. A. Strange, to be Colonel of the 130th Regiment, in place of James Ewing, resigned.

Phillip Winfrey, to be Lieutenant Colonel of the 130th Regiment, in place of John C. A. Strange, if promoted.

Joseph Winfrey, to be Lieutenant Colonel of the 130th Regiment, in place of Joseph Reynolds, resigned.

W. F. Dodds, to be Colonel of the 131st Regiment, in place of William Brewer, resigned.

John Albiton, to be Lieutenant Colonel of the 131st Regiment, in place of William Brewer, if promoted.

James Brandon, to be Major of the 131st Regiment, in place of W. F. Dodds, if promoted.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, received from the Governor on the 6th instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
December 6th, 1838. }

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following officers have been commissioned until the end of your present session. I therefore nominate them for your advise and consent; to be commissioned for the offices respectively annexed to their names, viz:

Samuel Lusk, to be Judge of the 9th Judicial District, in place of John Green, deceased.

Owen G. Cates, to be Attorney General, in place of Charles S. Morehead, resigned.

Richard A. Buckner, Jr., to be Commonwealth's Attorney in the 3d Judicial District, in place of Richard Pindell, resigned.

George Blackburn Kinkead, to be Commonwealth's Attorney in the 4th Judicial District, in place of Martin D. McHenry, resigned.

Edward J. Bullock, to be Commonwealth's Attorney in the 12th Judicial District, in place of Samuel Lusk, resigned.

William M. Todd, to be Police Judge of the town of South Frankfort, in place of George Graham, resigned.

John M. Bacon, to be Police Judge of the town of Frankfort, in place of John Woods, deceased.

Greenberry A. Gaither, to be Police Judge of the town of Bardstown, in place of Charles Nourse, resigned.

Jacob Kellar, to be Police Judge of the town of Harrodsburg, in place of Samuel Daviess, resigned.

Benjamin F. Dickey, to be Sheriff of Barren county, in place of Wm. B. Cook, deceased.

Richard C. Jett, to be Sheriff of Daviess county, in place of Elijah McCreery, deceased.

William Curd, to be Sheriff of Logan county, in place of John Curd, deceased.

William Ernst, to be Notary Public of Campbell county.

William B. Allen, to be Notary Public of Green county, in place of John Barret, resigned.

John C. Richards, to be Notary Public of Gallatin county, in place of Thomas L. Butler, who resides in Carroll county.

George Wallingford Clark, to be Notary Public of Jefferson county.

Jesse Chrisler, to be Notary Public of Jefferson county, in place of O. M. Parker, deceased.

John Bronaugh, to be Notary Public of Mason county.

William M. McIlvain, to be Notary Public of Mason county.

Gabriel Rice, to be Notary Public of Mercer county, in place of James H. Letcher, removed.

JAS. CLARK.

The Senate went into secret session on the nomination of Samuel Lusk, to be Judge of the ninth Judicial District.

Resolved, That the Senate advise and consent to the said appointment.

The doors were opened, and the injunction of secrecy removed.

Resolved, That the Senate advise and consent to the appointment of the other persons as nominated in the said message, except to that of William M. Todd, to be Police Judge of South Frankfort, which was referred to the committee on the Judiciary.

An engrossed bill, entitled, an act for the benefit of John W. Simpson, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, DECEMBER 10, 1838.

Mr. Robert Wickliffe, a member of the Senate from the thirty third Senatorial District, appeared, produced a certificate of his election, and having taking the several oaths required by the Constitution of the United States, and the Constitution and laws of this State, took his seat.

Mr. Barlow presented the petition of Lewis G. Logan, praying for a divorce from his wife, Nancy Logan.

Mr. Beatty presented the petition of the President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, praying that the charter of said company may be amended.

Which petitions were received; the first was referred to the committee on Religion, and the second to the committee of Internal Improvement.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act changing the names of Mary Ann Sellers, and Mary E. Sellers—reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill for the benefit of the estate of David Campbell, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

On the motion of Mr. De Courcy, the vote was reconsidered by which was passed a bill from the House of Representatives, entitled, an act to amend the charter of the city of Covington; and the said bill was re-committed to the committee on the Judiciary.

On the motion of Mr. Barlow,

Resolved, That the committee on Finance be instructed to inquire into the expediency and propriety of passing a law to exempt aged white titheables from the payment of county levy tax; and that they be required to report by bill or otherwise.

An engrossed bill, entitled, an act to amend the law incorporating the town of Bardstown, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Engrossed bills of the following titles, viz:

An act to change the January term of the General Court:

An act allowing an additional Justice of the Peace to the county of Caldwell, were each read the third time; the first was referred to the committee on the Judiciary, and the second to the committee of Propositions and Grievances.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of the Sheriff of Garrard county.
2. An act for the benefit of C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.
3. An act for the benefit of the Trustees of the jury fund in this Commonwealth, and for other purposes.
4. An act for the benefit of John L. Cole, of Barren county.
5. An act to allow an additional Constable to the county of Caldwell.
6. An act for the benefit of Eliza Hancock.
7. An act to legalize certain entries and surveys, made near the Morgan and Floyd county line.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading, being dispensed with, they were referred; the 1st, 2d, and 3d to the committee of Finance; the 4th, 5th and 6th to the committee of Propositions and Grievances; and the 7th to the committee on the Judiciary.

On the motion of Mr. Ballinger, the rule of the Senate limiting the number of the members of the committee of Internal Improvement to five, was suspended, and Mr. Wickliffe was added to the said committee.

On the motion of Mr. Murrel, leave was given to bring in a bill to fix the time of holding the elections for a President and Managers of the Glasgow and Scottsville turnpike road; and Messrs. Murrell, Barlow and Ford, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

TUESDAY, DECEMBER 11, 1838.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, December 10th, 1838. }

To the Hon. CHARLES A. WICKLIFFE,
Speaker of the Senate:

SIR—Enclosed, you will receive the monthly statements of the resources and liabilities of the Bank of Kentucky, the Northern Bank of Kentucky, the Bank of Louisville, and the Louisville Savings Institution, so far as each have reported to this office—please lay them before the Senate:

Respectfully,
J. M. BULLOCK,
Secretary of State.

Ordered, That the said reports be referred to the joint committee on Banks.

The Speaker laid before the Senate the following letter from the Secretary of State, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, December 10th, 1838. }

To the Hon. CHARLES A. WICKLIFFE,
Speaker of the Senate:

SIR—Permit me, through you, to lay before the Senate the returns that have been made to this office, of the names of all those entitled to vote for representatives who have voted for calling a Convention at the late August election, under and by virtue of an act, entitled, “an act to take the sense of the good people of this Commonwealth, as to the expediency and propriety of calling a Convention to revise the Constitution of this State,” approved December 21st, 1837.

Respectfully,
J. M. BULLOCK,
Secretary of State.

Ordered, That the said returns be referred to the committee of Privileges and Elections.

1. Mr. Wickliffe presented the petition of Roger Quarles, and Stockholders in the Lexington and Georgetown Turnpike Road Company, praying for the passage of a law authorizing another turnpike gate on said road.

2. Mr. Jasper presented the petition of Hiram Phillips, praying for the

passage of a law authorizing him to bring three slaves into this State for his own use.

3. Mr. Jesup presented the petition of sundry citizens of the counties of Mercer and Lincoln, praying for the formation of a new county out of parts of said counties.

4. Mr. Pratt presented the petition of Joseph Allen, praying for the passage of a law authorizing the sale of a tract of land in Scott county, of which Guthrie Morris died seized, for the purpose of indemnifying him for advances and liabilities as the administrator of said Morris.

5. Mr. Davidson presented the petition of M. A. Stemmons, administrator of the estate of Lucy Hiatt, deceased, praying for the passage of a law authorizing the sale of a tract of land in Lincoln county, according to the provisions of the noncupative will of the said Lucy.

6. Mr. Ford presented the petition of Elizabeth Merrit, praying for a divorce from her husband, John Merrit.

Which petitions were received and referred; the 1st to the committee of Internal Improvement; the 2d and 3d to the committee of Propositions and Grievances; the 4th and 5th to the committee on the Judiciary; and the 6th to the committee on Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to legalize certain entries and surveys made near the Morgan and Floyd county line, reported the same with the opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley:

An act for the benefit of John L. Cole, of Barren county:

An act for the benefit of Eliza Hancock—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace to the county of Logan, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Willis, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz :

An act allowing two additional Justices of the Peace and one Constable to the county of Whitley, and two additional Justices to Madison county:

An act allowing an additional Constable to the counties of Clinton and Adair:

An act allowing an additional Constable to the county of Caldwell—reported the same without amendment.

Ordered, That the said bills be laid on the table.

Mr. Willis, from the same committee, to whom was referred a bill entitled, an act allowing an additional Justice of the Peace to the county of Caldwell, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in the Mulliken precinct, in Fleming county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, to whom was referred the petition of sundry citizens of Butler county, praying for the establishment of an election precinct in said county, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of Joseph Poulson, praying for a divorce from his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

The following bills were reported, viz:

By Mr. Huston, from the committee of Privileges and elections—1. A bill to change the place of voting in the Renear precinct, in Butler county.

By Mr. Wingate, from the committee of Religion—2. A bill for the benefit of Lucy Jacobs.

3. A bill for the benefit of Enoch Stephens.

By Mr. Murrell, from a select committee—4. A bill to authorize elections to be held in the Glasgow and Scottville turnpike road.

By Mr. Johnston, from a select committee—5. A bill to amend the law incorporating the town of Simpsons ville, in Shelby county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the fourth bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ford read and laid on the table the following resolutions, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to procure an Armory, to be erected by the General Government, at some suitable point in Kentucky.

Resolved further, That the Governor of this State be requested to furnish copies of this resolution to each of our Senators and Representatives in Congress.

Mr. Beatty read and laid on the table the following resolutions, viz:

WHEREAS, the preservation of the National Union is of great and vital importance to the well being, prosperity and happiness of the people of the United States; and nothing can tend more to preserve and perpetuate that Union, than perfect comity and good feeling between neighboring States, and their respective citizens: and, whereas, experience has shown, that, without the concurring legislation of our sister States, bordering on the north side of the Ohio river, our laws, inflicting punishment for enticing slaves to leave their lawful owners or possessors, and to escape to parts without the limits of this State; and inflicting punishment for aiding, assisting or concealing such slaves, after they shall have escaped, cannot be effectually enforced, because evil disposed persons, availing themselves of their residence within the jurisdiction of another State, can, with almost perfect impunity, entice away the slaves of our citizens, or aid, assist and conceal them, after they have reached the borders of another State, without rendering themselves amenable to our laws: and, whereas, this Legislature has full confidence in the justice, good feeling and comity of the Legislatures of our sister States, bordering on the Ohio river, and are fully persuaded that they will be disposed to provide all needful enactments to prevent evil disposed persons who may shelter themselves within their jurisdiction from violating the penal enactments of this State, or in any manner aiding or assisting the slaves of our citizens in making their escape, after they shall have reached the borders of said State—therefore,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the Governor be, and he is hereby, authorized, by and with the advise and consent of the Senate, to nominate and appoint

Commissioners to proceed forthwith to the seat of government of the State of Ohio, to make such representations to the Governor and Legislature of that State, in relation to the subject of these resolutions, as may be authorized by the tenor thereof, and by the instructions to be given by the Governor of this Commonwealth. And that they especially be directed respectfully to solicit the passage of an act to prevent evil disposed persons, residing within the jurisdictional limits of Ohio, from enticing away

the slaves of citizens of Kentucky, or aiding and assisting, or concealing them, after they shall have reached the limits of that State. And, also, to solicit the passage of an act providing more efficient and certain means for recapturing and bringing away absconding slaves by their masters, or legally authorized agents.

Be it further resolved, That the Governor, by and with the advice and consent of the Senate, be authorized to nominate and appoint Commissioners to proceed forthwith to the seat of government of the State of Indiana, for the like purposes as expressed in the preceding resolution.

Be it further resolved, That the Governor be requested to furnish each set of Commissioners with a copy of these resolutions, and of our statute, entitled, "an act to amend the law concerning slaves, and for other purposes," approved January 28, 1830; and with such general instructions as he may deem expedient; and also with a general letter of authority, addressed to the Governors of the respective States to which they shall be commissioned.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rice—1. A bill for the benefit of James Bartley, Sheriff of Greenup county.

On the motion of Mr. C. J. Walker—2. A bill to amend the law regulating the duties of the Clerks of the Circuit Courts.

The committee of Finance was directed to prepare and bring in the first, and Messrs. C. J. Walker, Ballinger and Rice were appointed a committee to prepare and bring in the second.

Leave of absence was given to Mr. Nuttall until Monday next.

On the motion of Mr. Wickliffe,

Resolved, That the committee on Finance be instructed to inquire into the expediency of requiring Sheriffs, and other collecting officers of the revenue, to settle and adjust all sums due from them to the Treasury, on or before the first day of November, in every year, or at some other day earlier than they are now required to do by law.

Resolved, That the said committee do further inquire into the propriety of providing by law, for the more uniform enforcement of the laws raising revenue in this Commonwealth, and report by bill or otherwise.

An engrossed bill, entitled, an act for the benefit of the estate of David Campbell, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

1. An act for the benefit of the Sheriffs of Logan and Simpson counties.
2. An act for the benefit of James L. Todd, a lunatic.
3. An act for the benefit of Nancy L. McCulloch.
4. An act to change the name of James Babcock.
5. An act for the benefit of James Henson and George W. McLeod.

6. An act to change the place of voting in the Quicksand and Crawford precincts, in Estill county, and Dennis precinct, in Washington county, and to establish an election precinct in Pulaski county.

7. An act to allow an additional Constable to the county of Hardin.

8. An act for the benefit of the Sheriff of Lincoln county.

9. An act allowing an additional Constable to the county of Marion.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st, 2d and 8th to the committee of Finance; the 3d to the committee of Religion; the 4th, 7th and 9th to the committee of Propositions and Grievances; the 5th to the committee of Internal Improvement; and the 6th to the committee of Privileges and Elections.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 12, 1838.

The Speaker laid before the Senate the following communications from the Chairman, and a committee of the Board of Trustees of Transylvania University.

[For this report—see Appendix.]

Which communications were referred to the committee on Education.

1. Mr. J. S. Morgan presented the petition of Joseph Shropshire, praying for a divorce from his wife, Doleas Shropshire.

2. Also, the petition of Samuel Smedley, praying to be restored to the rights and privileges of an unmarried man, his wife having obtained a divorce.

3. Mr. Guthrie presented the petition of sundry citizens of Hardin county, praying that steps may be taken to displace the individual who claims to be their representative in the Senate.

4. Mr. Wickliffe presented the remonstrance of sundry citizens of Fayette county, against permitting another turnpike gate on the road from Lexington to Georgetown.

Which were received and referred; the 1st and 2d to the committee of Religion; the 3d to the committee of Privileges and Elections; and the 4th to the committee of Internal Improvement.

On the motion of Mr. Watkins, leave was given to bring in a bill for the benefit of the heirs of Henry White, deceased; and the committee on the Judiciary was directed to prepare and bring in the same.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act for the benefit of John Black.

An act for the benefit of Thomas Hite.

An act for the benefit of James M. Hanson.

An act for the benefit of George Knox.

An act for the benefit of the heirs and representatives of Thomas Jasper, deceased.

An act for the benefit of Maria Waller, an idiot.

An act to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick.

An act for the benefit of Jeremiah K. Sullivan.

An act for the benefit of William Grass.

An act to legalize the proceedings of the 74th Regiment of Kentucky Militia, and for other purposes.

An act allowing an additional Justice of the Peace to Butler county.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 17, 1818.

An act to locate and establish a road from the mouth of Laurel, to Daniel Bate's furnace in Clay county.

An act providing for a change of venue in a prosecution for felony against Joel (alias) Joseph Turnham, Jr.

The last named bill was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Guthrie from the committee on the Judiciary, to whom was referred a bill to regulate the administration and settlement of estates, reported the same with amendments—which were concurred in, and the said bill was recommitted to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

Mr. Guthrie, from the same committee, to whom was referred a bill to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1833, reported the same with an amendment—which was concurred in.

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Watkins,
Bradshaw,	Jesup,	Weller,
Burnett,	Murrell,	Wickliffe,
Dixon,	Pitts,	Willis,
Ford,	Roberts,	Young, S.—17.
Hanson,	Schooling,	

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Rice,
Beatty,	Huston,	Walker, C. J.
Clarke,	Johnston,	Walker, J. V.
Davidson,	Morgan, J. S.	Wallace,
De Courcy,	Pratt,	Wingate—15.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the city of Covington—reported the same without further amendment.

Ordered, That the said bill be again read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred the nomination of William M. Todd, to be Police Judge of the town of South Frankfort—reported that the said Todd does not reside in the said town. The said nomination was laid on the table.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the name of James Babcock:

An act to allow an additional Constable to the county of Hardin:

An act allowing an additional Constable to the county of Marion—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in the Quicksand and Crawford precincts, in Es-

till county, and Dennis precinct, in Washington county, and to establish an election precinct in Pulaski county—reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Sheriffs of Logan and Simpson counties:

An act for the benefit of the Sheriff of Garrard county:

An act for the benefit of the Sheriff of Lincoln county, reported the same with an amendment to the first bill—which was disagreed to.

Ordered, That the said bills be read a third time.

The constitutional rule having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James L. Todd, a lunatic—reported the same without amendment.

Ordered, That the said bill be read a third time.

On the motion of Mr. Hanson, the committee of Finance was discharged from the further consideration of a resolution requiring them to inquire into the propriety of exempting poor white male titheables from the payment of county levy tax; and the said resolution was laid on the table.

Mr. Hanson, from the committee of Finance, reported a bill for the benefit of James Bartley, Sheriff of Greenup county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. C. J. Walker, from the committee appointed for that purpose, reported a bill further regulating the duties of the Clerks of Circuit Courts, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

The Senate resumed the consideration of the motion of Mr. Dixon for leave to bring in a bill to repeal an act, entitled, an act to equalize taxation, approved February 23d, 1837.

The question being taken on giving leave to bring in the said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dixon and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Burnett,	Jasper,	Walker, C. J.
Dixon,	Jesup,	Walker, J. V.
Ford,	Johnston,	Weller,
Huston,	Tomlinson,	Young, S.—13.
James,		

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Schooling,
Barlow,	Hanson,	Wallace,
Beatty,	Morgan, J. S.	Watkins,
Bradshaw,	Murrell,	Wickliffe,
Clarke,	Pitts,	Willis,
Davidson,	Pratt,	Wingate—20.
De Courcy,	Rice,	

On the motion of Mr. Hanson,

Resolved, That the Auditor of Public Accounts be, and he is hereby, requested to lay before the Senate his statement of the financial condition of the Commonwealth, which, by law, he is required to report to the General Assembly on the sixth day of each annual stated session.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill for the benefit of the Lunatic Asylum.

On the motion of Mr. Weller—2. A bill for the relief of the Sheriff of Caldwell county.

The committee of Internal Improvement was directed to prepare and bring in the first, and the committee of Finance the second.

On the motion of Mr. Wickliffe,

Resolved, That the committee of Internal Improvement be instructed to inquire into the propriety of providing more effectually, by law, against the use of the public grounds for pasture, or the introduction of stock of any kind whatever, upon them; and further, whether it is not necessary to erect secure and proper buildings for the public offices, and report by bill or otherwise.

On the motion of Mr. Pitts,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of putting under contract a lock and dam on Muddy river.

On the motion of Mr. Barlow,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of passing a law to authorize the County Courts in this Commonwealth, to appoint as many Constables as there are Justices of the Peace in their several counties, if they should deem it necessary, and that they report by bill or otherwise.

Engrossed bills of the following titles, viz:

An act to change the place of voting in the Renear precinct, in Butler county:

An act for the benefit of Lucy Jacobs—were each read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of Enoch Stephens, was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Enoch Stephens and Mary Stephens be, and the same is hereby, dissolved, so far as relates to the said Enoch Stephens.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs Wickliffe and Beatty, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	De Courcy,	Murrell,
Bradshaw,	Morgan, J. S.	Pratt—7.
Burnett,		

Those who voted in the negative were—

Messrs. Ballinger,	Huston,	Walker, J. V.
Beatty,	James,	Wallace,
Clarke,	Jesup,	Watkins,
Davidson,	Johnston,	Weller,
Dixon,	Pitts,	Wickliffe,
Ford,	Rice,	Willis,
Guthrie,	Schooling,	Wingate,
Hanson,	Walker, C. J.	Young, S.—24.

And then the Senate adjourned.

THURSDAY, DECEMBER 13, 1838.

Mr. Huston presented the petition of Sarah Ann Brown, praying for a divorce from her husband, George Brown—which was received and referred to the committee of Religion.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act providing for a change of venue in the prosecution for felony against Joel (alias) Joseph Turnham, Jr.—reported the same without amendment.

Ordered, That the said bill be read a third time.

The Speaker laid before the Senate the following letter and report of the Board of Internal Improvement, and the accompanying documents

[*For this Report—see Appendix.*]

Ordered, That the said report be referred to the committee of Internal Improvement, and that the Public Printer print 300 copies thereof, and such of the documents as the committee shall direct, for the use of the General Assembly.

Mr. Wingate, from the committee of Religion, to whom was referred the petitions of James P. Howard, Joseph Shropshire and Samuel Smedley, praying for divorces—reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the estate of Guthrie Morris.

2. A bill providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others.

3. A bill providing that certain legacies and devises shall not lapse.

By Mr. Willis, from the committee of Propositions and Grievances—4. A bill for the benefit of Hiram Phillips.

By Mr. Ballinger, from the committee of Internal Improvement—5. A bill to amend the charter of the Lexington and Georgetown Turnpike Road Company.

6. A bill for the benefit of the Lunatic Asylum.

By Mr. Hanson, from the committee of Finance—7. A bill for the benefit of the Sheriffs of Owen and Butler counties.

8. A bill for the benefit of Edward McCoy and William Crabtree.

By Mr. Beatty, from the committee on Education—9. A bill prescribing further duties to the Commissioners of the revenue.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time, and that the Public Printer print 150 copies of the third bill for the use of the General Assembly.

Mr. Hanson, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Trustees of the Jury Fund in this Commonwealth, and for other purposes, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

On the motion of Mr. Hanson, the committee of Finance was discharged from the further consideration of a resolution requiring them to inquire into the expediency of requiring Sheriffs, and other collecting officers of the revenue, to settle with the Treasury at an earlier day than now required by law; and from the duty of preparing and bringing in a bill for the relief of the Sheriff of Caldwell county.

Mr. Hanson, from the committee of Finance, to whom was referred a bill for the benefit of Matthew Reid, and the representatives of Samuel M. Smith, deceased, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

On the motion of Mr. Willis,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of so amending the law, in relation to the formation of the judicial districts of this State, as to equalize, as near as may be, the labors of the Circuit Court Judges; and that if, in the opinion of said committee, it be necessary to effect that object, a bill be reported to form additional districts to the number now fixed by law.

That said committee also inquire, whether it be expedient to reduce the number of terms of the Circuit Court to two, during the year, instead of three, as now provided by law.

Mr. Ford read and laid on the table a resolution, calling upon the Keeper of the Penitentiary to furnish the Senate with information in relation to the concerns of that institution.

On the motion of Mr. Beatty,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of providing, by law, for a survey of that part of the road, between Washington and the mouth of Big Sandy, which lies between Kinnikinick and Greensburg, by passing up Montgomerie's branch, crossing the dividing ridge between said branch and White Oak creek; thence down the same to Tigert, near the crossing of the present State road; and thence to Greensburg, crossing Little Sandy at or near the falls; and for an estimate of the cost of making a good road for driving stock, including bridges over Kinnikinick, Tigert and Little Sandy, at the points at which said road shall cross these streams.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Barlow—1. A bill for the benefit of William Butler, Clerk of the Monroe County and Circuit Courts.

On the motion of Mr. Guthrie—2. A bill to incorporate the Louisville Law Library Company.

The committee of Finance was directed to prepare and bring in the 1st, and the committee on Education the 2d.

On the motion of Mr. De Courcy,

Resolved, That the committee on Finance be instructed to inquire into the cause of so many applications of Sheriffs of this Commonwealth for relief; and that they report by bill or otherwise.

An engrossed bill, entitled, an act to amend the law incorporating the town of Simpsonsville, in Shelby county, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1833, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Watkins,
Burnett,	Murrell,	Weller,
Dixon,	Pitts,	Wickliffe,
Ford,	Boberts,	Willis,
Hanson,	Schooling,	Young, S.—20.
James,	Tomlinson,	

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Rice,
Beatty,	Huston,	Walker, C. J.
Clarke,	Johnston,	Wallace,
Davidson,	Morgan, J. S.	Wingate—14.
De Courcy,	Pratt,	

Resolved, That the title of the said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act for the benefit of Anne Dix and Elizabeth Maria Dix.

An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

The Speaker laid before the Senate the following letter and report of the Auditor of Public Accounts.

[*For this Report—see Appendix.*]

Ordered, That the said letter and report be referred to the committee on Finance.

Bills from the House of Representatives of the following titles, viz:

1. An act to allow an additional Justice of the Peace to the county of Logan :

2. An act for the benefit of R. C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county—were each read the third time, as amended.

Resolved, That the said bills, as amended, do pass, and that the title of the first be amended to read, an act to allow additional Justices of the Peace and Constables, to certain counties, and that the title of the second, be as aforesaid.

An engrossed bill, entitled, an act for the benefit of James L. Todd, a lunatic, was read the third time, and referred to the committee on the Judiciary.

The joint resolutions, read and laid on the table by Mr. Ford on the 11th instant, in relation to a public Armory, were taken up and adopted.

The joint resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States, read and laid on the table by Mr. Beatty on the 11th instant, were taken up and referred to the committee on the Judiciary.

And then the Senate adjourned.

FRIDAY, DECEMBER 14, 1838.

A message was received from the House of Representatives, announcing that they have concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to amend the charter of the city of Covington.

That they had passed bills from the Senate of the following titles, viz:

An act to change the place of voting in the Renear precinct, in Butler county.

An act to authorize elections to be held in the Glasgow and Scottville turnpike road.

An act for the benefit of James Bartley, Sheriff of Greenup county.

And that they had passed bills of the following titles, viz:

An act changing the place of voting in the Stephensport precinct, in Breckinridge county.

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of the Clerks of this Commonwealth.

An act to incorporate the Hopkinsville Female Academy.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of the infant heirs of Henry Crittenden, deceased.

An act for the benefit of Henry G. A. Blankman.

An act to incorporate the Louisa Literary Society.

And that they had adopted a resolution giving the members of the Board of Internal Improvement the use of the books in the public Library.

Mr. Guthrie, from the committee on the Judiciary, who were instructed to inquire into the propriety of passing a law to authorize the County Courts to appoint as many Constables as there are Justices of the peace in their several counties, reported that the committee are of opinion that it is not expedient to increase the number of Constables as proposed—which was concurred in.

Mr. Guthrie, from the committee on the Judiciary, reported a bill to amend an act to provide against compounding penal prosecutions, approved February 3d, 1837, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred joint resolutions respecting the enticing away the slaves of the citizens of this State, by the citizens of other States, reported the same with amendments—which were concurred in.

Mr. Dixon moved further to amend the said resolutions.

And then the Senate adjourned.

SATURDAY, DECEMBER 15, 1838.

The Speaker laid before the Senate the following letter from the Secretary of State, viz:

EXECUTIVE DEPARTMENT,
Fankfort, December 14th, 1838. }

To the Hon. CHARLES A. WICKLIFFE,
Speaker of the Senate:

SIR—Inclosed I transmit the monthly statements of the Treasurer and Auditor, so far as they have been reported to this office; please lay them before the Senate.

Respectfully,
J. M. BULLOCK,
Secretary of State.

Ordered, That the said statements be referred to the committee of Finance.

A bill from the House of Representatives, entitled, an act for the benefit of the heirs of Henry Crittenden, deceased, was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. S. Young—1. A bill for the benefit of Susan A. Ray.

On the motion of Mr. Bradshaw—2. A bill for the benefit of John Riffe, late Sheriff of Casey county, and for other purposes.

The committee on the Judiciary was directed to prepare and bring in the first, and Messrs. Bradshaw, Jasper and Barlow were appointed a committee to prepare and bring in the second.

Mr. Willis, read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Saturday, the 22d day of this instant, they will adjourn to meet again on Tuesday, the 1st day of January, 1839.

On the motion of Mr. Jesup,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of improving the navigation of Pond river, by putting under contract one lock and dam during the next year, and that they report by bill or otherwise.

A message was received from the House of Representatives, announcing

that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

An act to allow an additional Justice of the Peace to the county of Logan—with an amendment to the latter bill.

That they have passed a bill from the Senate, entitled, an act to amend the law incorporating the town of Simpsonsville, in Shelby county. And adopted resolutions from the Senate in relation to a public Armory.

And that they have passed bills of the following titles, viz:

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to change the place of voting in the Floydsburg precinct, in Oldham county.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act for the benefit of William Kerchival.

An act to run and mark the line dividing the counties of Knox and Whitley.

The Speaker laid before the Senate the annual report of the Librarian, containing a list of all the books and maps belonging to the State Library, which was referred to the committee on the Library.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to regulate the administration and settlement of estates—reported the same without amendment.

Ordered, That the said bill be referred to the committee of the whole house on the state of the Commonwealth, and made the order of the day for Tuesday next.

The Senate resumed the consideration of the joint resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States. The said resolutions were amended to read as follows, viz:

WHEREAS, the preservation of the National Union is of great and vital importance to the well being, prosperity and happiness of the people of the United States; and nothing can tend more to preserve and perpetuate that Union, than perfect comity and good feeling between neighboring States, and their respective citizens: and, whereas, experience has shown, that, without the concurring legislation of our sister States, bordering on the north side of the Ohio river, our laws, inflicting punishment for enticing slaves to leave their lawful owners or possessors, and to escape to parts without the limits of this State; and inflicting punishment for aiding, assisting or concealing such slaves, after they shall have escaped, cannot be effectually enforced, because evil disposed persons, availing themselves of their residence within the jurisdiction of another State, can, with almost perfect impunity, entice away the slaves of our citizens, or aid, assist and conceal them, after they have reached the borders of another State, without rendering

themselves amenable to our laws: and, whereas, this Legislature have full confidence in the justice, good feeling and comity of the Legislatures of our sister States, bordering on the Ohio river, and are fully persuaded that they will be disposed to provide all needful enactments to prevent evil disposed persons who may shelter themselves within their jurisdiction from violating the penal enactments of this State, or in any manner aiding or assisting the slaves of our citizens in making their escape, after they shall have reached the borders of said State—therefore,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That two Commissioners be appointed by a joint vote of the Senate and House of Representatives, to proceed forthwith to the seat of government of the State of Ohio, to make such representations to the Governor and Legislature of that State, in relation to the subject of these resolutions, as may be authorized by the tenor thereof, and by the instructions to be given by the Governor of this Commonwealth. And that they especially be directed respectfully to solicit the passage of an act to prevent evil disposed persons, residing within the jurisdictional limits of Ohio, from enticing away the slaves of citizens of Kentucky, or aiding and assisting, or concealing them, after they shall have reached the limits of that State. And, also, to solicit the passage of an act providing more efficient and certain means for recapturing and bringing away absconding slaves by their masters, or legally authorized agents.

Be it further resolved, That the Governor be requested to furnish said Commissioners with a copy of these resolutions, and of our statute, entitled, “an act to amend the law concerning slaves, and for other purposes,” approved January 23, 1830; and with such general instructions as he may deem expedient; and also with a general letter of authority, addressed to the Governor of Ohio.

Mr. Dixon moved to amend the said resolutions by striking out all after the word “*Kentucky*,” in the second line of the first resolution, and inserting in lieu thereof the following, viz:

That the Governor and Legislature of the State of Ohio be respectfully solicited to pass an act to prevent evil disposed persons, residing within the limits and jurisdiction of said State, from enticing away the slaves of citizens of Kentucky, or aiding and assisting, or concealing them, after they shall have reached the limits of that State; and also to solicit the passage of an act providing more efficient and certain means for recapturing and bringing away absconding slaves, by their masters, or legally authorized agents; and for imposing heavy penalties upon such persons as may, contrary to the provisions of such act, rescue, or attempt to rescue, such slaves.

Be it further resolved, That the Governor of this State be, and he is requested to forward a copy of the foregoing preamble and resolution to the Governor of the State of Ohio, together with a copy of our statute, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28th, 1830, with a request that he lay the same before the General Assembly of that State.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Beatty, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Hanson,	Pitts,
Burnett,	Huston,	Pratt,
De Courcy,	James,	Schooling,
Dixon,	Jasper,	Weller,
Ford,	Jesup,	Willis—16.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, J. S.	Walker, J. V.
Barlow,	Murrell,	Wallace,
Beatty,	Rice,	Watkins,
Clarke,	Roberts,	Wickliffe,
Davidson,	Tomlinson,	Wingate,
Johnston,	Walker, C. J.	Young, S.—18.

The question was then taken on the adoption of the said resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Tomlinson,
Barlow,	Jesup,	Walker, C. J.
Beatty,	Johnston,	Walker, J. V.
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Murrell,	Watkins,
Dixon,	Pitts,	Weller,
Ford,	Pratt,	Wickliffe,
Guthrie,	Rice,	Wingate,
Hanson,	Roberts,	Young, S.—29.
Huston,	Schooling,	

Those who voted in the negative were—

Messrs. Bradshaw,	De Courcy,	Willis—5.
Burnett,	Jasper,	

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz

An act for the benefit of Mary Ann Sellers and Sarah E. Sellers.

An act to change the place of voting in the Mulliken precinct, in Fleming county.

An act for the benefit of John L. Cole, of Barren county.

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley.

An act to amend the charter of the city of Covington.

An act to change the name of James Babcock.

An act for the benefit of the Sheriff of Garrard county.

An act for the benefit of the Sheriff of Lincoln county.

An act to change the place of voting in the Quicksand and Crawford precincts, in Estill county, and Dennis precinct, in Washington county, and to establish an election precinct in Pulaski county.

An act to allow an additional Constable to the county of Hardin.

An act allowing an additional Constable to the county of Marion.

An act for the benefit of the Sheriffs of Logan and Simpson counties.

An act for the benefit of Eliza Hancock.

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

And enrolled bills which originated in the Senate of the following titles, viz:

An act to change the place of voting in the Renear precinct, in Butler county.

An act to authorize elections to be held in the Glasgow and Scottsville turnpike road.

An act for the benefit of James Bartley, Sheriff of Greenup county.

And had found the same truly enrolled.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act providing for a change of venue in a prosecution for felony against Joel (alias) Joseph Turnham, Jr., was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, DECEMBER 17, 1838.

1. Tomlinson presented the remonstrance of sundry citizens of Mercer county, against the formation of a new county out of a part of said county, and the county of Lincoln.

2. Mr. Davidson presented the remonstrance of sundry citizens of Lincoln county against the formation of said county.

3. Mr. Willis presented the petition of sundry citizens, praying for the formation of the said county.

4. Dixon presented the petition of the Kentucky Silk Manufacturing Company, praying for the passage of a law, authorizing them to construct a canal from Green river to the Ohio river; and that the capital stock of the company may be increased.

Which were received and referred; the 1st, 2d and 3d to the committee of Propositions and Grievances; and the fourth to the committee of Internal Improvement.

On the motion of Mr. Pitts, leave was given to withdraw the petition of James P. Howard.

A message was received from the House of Representatives, announcing that they had disagreed to a bill which originated in the Senate, entitled, an act to amend the law incorporating the town of Bardstown.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the estate of David Campbell.

An act for the benefit of John W. Simpson.

And that they had passed bills of the following titles, viz:

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act for the benefit of Keziah Craycraft.

An act for the benefit of Margaret Holtzclaw.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the infant heirs of Henry Crittenden, deceased, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James L. Todd, a lunatic, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill further regulating the duties of the Clerks of Circuit Courts, and a bill to prohibit unlawful dealing by corporations, and the better to protect the currency, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be engrossed and read a third time, and that the Public Printer print 150 copies of the first bill, for the use of the General Assembly.

Mr. Wingate, from the committee of Religion, to whom was referred the petitions of Lewis G. Logan, Sabrina Matlock, William Wilson, and Elizabeth Merritt, reported the following resolution thereon, viz.

Resolved, That the said petitions be rejected—which was concurred in.

On the motion of Mr. Burnett, leave was given to withdraw the petition of the said William Wilson.

Mr Wingate, from the same committee, to whom was referred the petition of Sarah A. Brown, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

On the motion of Mr. Huston, the said resolution was amended by striking out "be rejected," and inserting in lieu thereof, "is reasonable," and concurred in.

Ordered, That the committee of Religion prepare and bring a bill pursuant to the said petition.

On the motion of Mr. Hanson, the committee of Finance was discharged from the further consideration of a resolution requiring the said committee to inquire into the cause of the applications of Sheriffs for indulgence, moved by Mr. De Courcy on the 13th inst; and the said resolution was laid on the table.

The following bills were reported, viz:

By Mr. Hanson, from the committee on the Judiciary—1. A bill for the benefit of Margaret B. White.

2. A bill to authorize the mandate of the Court of Appeals to be filed with the Clerk of the inferior court, and executions to issue in certain cases.

By Mr. Wingate, from the committee of Religion—3. A bill for the benefit of Ferdinand Hunn.

By Mr. Hanson, from the committee of Finance—4. A bill to establish the office of Comptroller of the Treasury, and for other purposes.

By Mr. Bradshaw, from a select committee—5. A bill for the benefit of the Sheriffs of Casey and Pulaski counties.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading, being dispensed with, the 1st, 2d, 3d and 5th were ordered to be engrossed and read a third time; the 4th was referred to the committee on the Judiciary, and the Public Printer ordered to print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the following annual statement of the Agent of the Old Bank of Kentucky, viz:

(OLD) BANK OF KENTUCKY, }
December 16th, 1838. }

To the Hon. CHARLES A. WICKLIFFE,
Speaker of the Senate:

Sir—I herewith inclose the annual statement of the situation of this Institution.

Only six dollars of the notes in circulation have been presented, the present year, for payment. It may therefore be estimated that at least \$30,000 will be gained to the institution by the loss and destruction of her notes.

At the session of 1834-5, the then President and Cashier, after making an examination of the situation of the institution, estimated the value of the stock belonging to the State, to be equal to \$35,082 50. I have heretofore paid over to the Treasurer, the sum of \$35,802; and will, in the month of March next, be enabled to pay the further sum of \$5,967; and to individual stockholders, the sum of \$9,281—making \$15,148.

The remaining interest of the State and individual stockholders, after the dividend in March, will probably be equal to about \$15,000; being about \$30,000 over and above the estimates made in 1834-5.

Every exertion will be made to a final close of the institution the ensuing year.

I am, very respectfully,

H. BLANTON, *Agent.*

Statement of the situation of the Old Bank of Kentucky, Dec. 10th, 1838.

Notes issued,	-	-	-	-	-	-	\$30,472	64
Surplus profits,	-	-	-	-	-	-	248,314	69
Current profits,	-	-	-	-	-	-	2,978	16
Stock,	-	-	-	-	-	-	212,864	00
Due to individuals,	-	-	-	-	-	-	52,075	90
Due to other Banks,	-	-	-	-	-	-	1,295	78

\$548,001 17

Current expenses,	-	-	-	-	-	-	\$519	52
Real Estate,	-	-	-	-	-	-	130,433	81
Loss on real estate,	-	-	-	-	-	-	56,195	62
Defalcation at Branches,	-	-	-	-	-	-	20,678	67
Due from individuals,	-	-	-	-	-	-	321,539	87
In Bank, and cash on hand,	-	-	-	-	-	-	18,633	68

\$548,001 17

H. BLANTON, *Agent.*

Ordered, That said statement be referred to the committee of Finance.

The resolution calling on the Keeper of the Penitentiary for information, read and laid on the table by Mr. Ford on the 13th instant, was taken up and referred to the committee on the Penitentiary.

On the motion of Mr. Jasper,

Resolved, That the committee on Internal Improvement inquire into the expediency of requiring the Board of Internal Improvement to cause to be expended, such portion of the money heretofore appropriated to the improvement of the navigation of Cumberland river, as said committee may think expedient, upon that part of said river that lies between the mouth of Laurel, up to the falls, and that they report by bill or otherwise.

Leave was given to bring in the following bills, viz:

On the motion of Mr. De Courcy—1. A bill more effectually to protect the citizens of this Commonwealth from being killed by persons bearing deadly weapons, not necessary for their own defence, or that of the State.

On the motion of Mr. Wallace—2. A bill to legalize the appointment and acts of the Clerk, pro tem. of the Gallatin Circuit court.

On the motion of Mr. Rice—3. A bill to incorporate the Damascus Iron Manufacturing Company, in the county of Greenup.

Messrs. De Courcy, J. S. Morgan and Wingate were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Hanson and Guthrie the 3d; and the committee on the Judiciary was directed to prepare and bring in the 2d.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of putting under contract, the erection of three additional locks and dams for slackwater navigation, on Licking and Kentucky rivers during the next summer, and that they report by bill or otherwise.

The resolution for a recess of the General Assembly, read and laid on the table by Mr. Willis on the 15th instant, was taken up and amended by striking out "Saturday the 22d instant," and inserting "Friday the 21st instant."

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Clarke,	Morgan, J. S.	Walker, C. J.
Davidson,	Nuttall,	Wallace,
De Courcy,	Rice,	Watkins,
Hanson,	Schooling,	Willis,
Huston,	Tomlinson,	Wingate—16.
Johnston,		

Those who voted in the negative were—

Messrs. Ballinger,	Ford,	Pitts,
Barlow,	James,	Pratt,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Weller,
Dixon,	Murrell,	Young, S.—15.

The amendments proposed by the House of Representatives, to the amendments proposed by the Senate to a bill from that House, entitled, an act to allow an additional Justice of the Peace to the county of Logan, was concurred in.

Engrossed bills of the following titles, were severally read the third time, viz:

An act for the benefit of Matthew Reid, and the infant children of Samuel M. Smith, deceased.

An act for the benefit of the estate of Guthrie Morris.

An act providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others.

An act for the benefit of Hiram Phillips.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act for benefit of the Sheriffs of Owen and Butler counties.

An act for the benefit of Edward McCoy and William Crabtree.

An act to amend an act to provide against compounding penal prosecutions, approved February 3d, 1837.

An act prescribing further duties to the Commissioners of the revenue.

The last named bill was amended by way of engrossed ryder.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the Trustees of the jury fund in this Commonwealth, and for other purposes, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

2. An act authorizing the Register to issue a patent in the name of Barnabas Wing.

3. An act for the benefit of John Black.

4. An act for the benefit of Thomas Hite.

5. An act for the benefit of James M. Hanson.

6. An act for the benefit of George Knox.

7. An act for the benefit of the heirs and representatives of Thomas Jasper, deceased.

8. An act for the benefit of Maria Waller, an idiot.

9. An act to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick.

10. An act for the benefit of Jeremiah K. Sullivan.

11. An act for the benefit of William Gross.

12. An act to legalize the proceedings of the 74th Regiment of Kentucky Militia, and for other purposes.

13. An act allowing an additional Justice of the Peace to Butler county.

14. An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 17, 1818.

15. An act to locate and establish a road from the mouth of Laurel, to Daniel Bate's furnace in Clay county.

16. An act for the benefit of Anne Dix and Elizabeth Maria Dix.

17. An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

18. An act in relation to the registration of mortgages and deeds of trust.

19. An act changing the place of voting in the Stephensport precinct, in Breckinridge county.

20. An act for the benefit of the Clerks of this Commonwealth.

21. An act to incorporate the Hopkinsville Female Academy.

22. An act to establish an additional election precinct in Ohio county.

23. An act for the benefit of Henry G. A. Blankman.

24. An act to incorporate the Louisa Literary Society.

25. An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

26. An act to change the place of voting in the Floydsburg precinct, in Oldham county.

27. An act to have the line run and marked between the counties of Morgan and Floyd.

28. An act for the benefit of William Kerchival.

29. An act to run and mark the line dividing the counties of Knox and Whitey.

30. An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

31. An act for the benefit of Margaret Holtzclaw.

32. An act for the benefit of Keziah Craycraft.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st and 15th to the committee of

Internal Improvement; the 2d, 7th, 14th, 17th, 18th and 20th to the committee on the Judiciary; the 3d, 9th, 13th, 16th, 27th and 29th to the committee of Propositions and Grievances; the 4th, 5th, 6th, 8th, 25th, 28th and 30th to the committee of Finance; the 10th, 11th, 23d, 31st and 32d, to the committee of Religion; the 12th to the committee on Military Affairs; the 19th, 22d and 26th to the committee of Privileges and Elections; and the 21st and 24th, to the committee on Education.

A resolution from the House of Representatives, giving the members of the Board of Internal Improvement the use of the books in the public Library, was twice read and referred to the committee on the Library.

And then the Senate adjourned.

TUESDAY, DECEMBER 18, 1838.

The Speaker laid before the Senate the annual report of the Trustees of the Deaf and Dumb Asylum at Danville, which is as follows, viz:

DANVILLE, DECEMBER 2, 1838.

*To the Honorable the General Assembly
of the Commonwealth of Kentucky:*

The Trustees of the Asylum for teaching the deaf and dumb, respectfully report—

That the Institution is in a prosperous condition, having in it twenty two pupils, enjoying all the benefits to be derived from experienced teachers, and good accommodations. The Trustees are persuaded that due attention is paid to the comfort of the pupils, and to their progress in learning.

It would be highly gratifying to the Trustees to be able to lay before the Legislature, a full statement of the finances of this Institution. They had hoped that Col. Allen, there agent in Florida, would have closed his agency before now. A large amount of the proceeds of the lands sold is still in his hands, in bonds (as we believe) well secured and bearing interest.

The Treasurer's Report marked A, will show the current receipts and expenditures of the last year. No remittance has been received from Florida since our last report. The inclosure marked B, is a list of the pupils, their ages and residence.

OFFICERS OF THE ASYLUM.

J. A. Jacobs and lady, superintendent and matron; J. A. Jacobs, principal teacher; W. D. Kerr, assistant teacher; J. Barbour, Treasurer; J. A. Jacobs, Secretary; Dr. J. Todd, physician.

JOHN TODD,
P. G. RICE.

(A.)

Statement showing the receipts and expenditures of the Kentucky Deaf and Dumb Asylum, in the last year.

Salary paid Principal Teacher,	-	-	-	-	-	\$900 00
“ “ Assistant Teacher,	-	-	-	-	-	700 00
Treasurer \$50, Secretary \$25,	-	-	-	-	-	75 00
Paid board of pupils,	-	-	-	-	-	1,311 62
Town tax,	-	-	-	-	-	17 20
Doctors Flue & Weisiger's bill for medical services in former years,	-	-	-	-	-	110 00
Insurance,	-	-	-	-	-	19 00
Work in new building,	-	-	-	-	-	297 00
Incidental expenses,	-	-	-	-	-	33 12
Physician's bill this year,	-	-	-	-	-	11 50
Postage,	-	-	-	-	-	2 66
						<hr/> \$3,477 10

						Cr.
By cash of State Treasurer,	-	-	-	-	\$1,636 73	
By cash from pupils,	-	-	-	-	35 00	
						<hr/> 1,671 73
						<hr/> \$1,805 37

No money received from Col. Allen in the last year.

J. BARBOUR, *Treasurer.*

(B.)

List of Pupils in the Kentucky Asylum, December 7th, 1838.

NAMES.	AGE.	RESIDENCE.
Margaret Swope,	16	Garrard county, Ky.
Maston Gore,	9	Caldwell county, do.
George Beatty,	18	Owen county, do.
Artemisia Black,	15	Boone county, do.
Elizabeth Cooper,	15	Nelson county, do.
Margaret Bodkin,	16	Henry county, do.
Moses Bledsoe,	15	Danville.
Lucinda Phillips,	21	Garrard county, do.
Elizabeth Kelly,	12	Scott county, do.
Lucy Jane Fitzpatrick,	12	Adair county, do.

List of Pupils—continued.

NAMES.	AGE.	RESIDENCE.
Edward Basby,	22	Adair county, Ky.
*Jacob Todhunter,	19	Jessamine county, do.
*Geo. W. West,	27	Giles county, Tennessee.
*Elizabeth Noel,	17	Anderson county, do.
*Edmund Le Clerc,	25	St. Genevieve, Missouri.
*Samuel Ray,	12	Franklin county, do.
*W. G. Erwin,	22	Habbershaw, county, Ga.
*John Dickerson,	12	East Felicitia parish, La.
*Atwell Beatty,	13	Shelby county, Ky.
*William Whitley,	14	Lincoln county, do.
*Robert Allen,	17	Jackson county, Ala.
*Elizabeth Graves,	11	Scott county, Ky.

Those marked thus (*) are pay pupils.

Ordered, That the said report be referred to the committee on Education.

1. Mr. Johnston presented the petition of Frances M. Talbott, praying for a divorce from her husband, James Talbott.

2. Mr. Willis presented the petition of sundry citizens of Mercer and Lincoln, praying for the formation of a new county out of part of said counties.

3. Mr. Ballinger presented the petition of Thomas Smith, praying for the return of a tax paid by him for the season of a horse.

Which petitions were received; the 1st was referred to the committee of Religion; the 2d to the committee of Propositions and Grievances; and the 3d to the committee of Finance.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish an additional election precinct in Ohio county:

An act to change the place of voting in the Floydsburg precinct, in Oldham county—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act changing the place of voting

in the Stephenson precinct, in Breckinridge county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to amend the charter of Centre College.

An act to allow an additional Constable to the county of Logan.

And that they had adopted a resolution for a recess of the General Assembly, and a resolution for the appointment of a joint committee to examine Transylvania University, and the Lunatic Asylum.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles, viz:

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

An act providing for a change of venue in a prosecution for felony against Joel (alias) Joseph Turnham, Jr.

An act for the benefit of the estate of David Campbell.

An act for the benefit of John W. Simpson.

An act to amend the law incorporating the town of Simpsonsville, in Shelby county.

Resolutions in relation to a public Armory.

And had found the same truly enrolled.

The said bills and resolutions being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to regulate the administration and settlement of estates, and had made some progress therein; but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 19, 1838.

1. Mr. Guthrie presented the memorial of the President and Directors of the Lexington and Ohio Railroad Company, setting forth the situation of the affairs of said company, and praying for Legislative aid.

2. Mr. Barlow presented the petition of the administrators of the estate of John G. Evans, deceased, praying for the passage of a law authorizing a sale of the real estate of the deceased, for the payment of his debts.

3 and 4. Mr. Beatty presented the petition of sundry citizens of Mason county, and Mr. Rice presented the petition of sundry citizens of Lewis county, praying that the salary of the Hon. Walker Reed, circuit Judge, may be the same as that of other circuit Judges.

Which were received and referred; the 1st to the committee of Internal Improvement; and the 2d, 3d and 4th to the committee on the Judiciary.

Ordered, That the Public Printer print 150 copies of the first, with the accompanying documents, for the use of the General Assembly.

A message was received from the House of Representatives, announcing that they had concurred in a resolution from the Senate for a recess of the General Assembly.

And that they had passed bills of the following titles, viz:

An act for the benefit of the Sheriff of Casey county.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act for the benefit of the heirs and representatives of Eliza Murray, deceased.

An act for the benefit of Willie Sugg.

An act for the benefit of Mary Kimes.

An act for the benefit of Jeremiah Smith, of Clay county.

An act for the benefit of Nelson Dyer.

An act for the benefit of Eliza Jane Grider.

An act for the benefit of the Clerk of the Washington Circuit Court.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Nancy L. McCulloch, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

Mr Wingate, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Keziah Craycraft:

An act for the benefit of Margaret Holtzclaw:

An act for the benefit of William Gross:

An act for the benefit of Henry G. A. Blankman—reported the same without amendment.

Ordered, That the said bills be read a third time.

Mr. Wingate, from the same committee, to whom was referred the petition of Jefferson A. Murray, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

An act for the benefit of James Henson and George W. McLeod—reported the same without amendment.

Ordered, That the said bills be read a third time.

The yeas and nays being required on reading the second bill a third time by Messrs. Wickliffe and Watkins, were as follows viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Walker, C. J.
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Watkins,
Clarke,	Nuttall,	Weller,
De Courcy,	Pratt,	Willis,
Dixon,	Rice,	Wingate—20.
Huston,	Schooling,	

Those who voted in the negative were—

Messrs. Ballinger,	Johnston,	Wallace,
Beatty,	Morgan, J. S.	Wickliffe,
Guthrie,	Pitts,	Young, S.—10.
Hanson,		

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the committee on the Library, to whom was referred a resolution from the House of Representatives, giving the members of the Board of Internal Improvement the use of the books in the public Library, reported the same without amendment.

Resolved, That the said resolution be concurred in.

Mr. Hanson, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of James M. Hanson:

An act for the benefit of William Kerchival:

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased:

An act for the benefit of Thomas Hite—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of George Knox, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hanson, the committee of Finance was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of Maria Waller, an idiot, and the said bill was referred to the committee on the Judiciary.

Mr. Beatty, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the Louisa Literary Society:

An act to incorporate the Hopkinsville Female Academy—reported the first without amendment, and the second with an amendment—which was concurred in.

Ordered, That the said bills be read a third time.

The following bills were reported, viz:

By Mr. Hanson, from the committee on the Judiciary—1. A bill for the benefit of William Butler, Clerk of Monroe County Court.

By Mr. Beatty, from the committee on Education—2. A bill to incorporate the Louisville Library Company.

By Mr. Rice, from a select committee—3. A bill to incorporate the Damascus Iron Manufacturing Company, in Greenup county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the second and third bills being dispensed with, they were referred to the committee on the Judiciary.

The constitutional rule as to the second and third readings of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Huston, from the committee of Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections, to whome were referred the petition of a portion of the citizens of the 14th Senatorial District, met on the 12th day of December. 1838, at the Senate chamber, and for the purpose of giving the parties further preparation, agreed to adjourn, and meet in the same place on the 14th, at 3 o'clock.

The committee met agreeable to adjournment; the parties appeared and evinced a willingness to enter into an investigation of the charges set forth in the petition; and thereupon the Senator from the 14th Senatorial District submitted to the committee, the constitutional question: "Has or not a Senator, after he is elected, the right to reside any where within the State of Kentucky, and without his Senatorial district, and retain his seat in the Senate?" The constitutional question was discussed, in part, before the committee, and not having time to hear the whole discussion offered, adjourned to meet in the same place the following day, at 3 o'clock.

The committee met agreeable to adjournment; the argument was again resumed, and after the parties were fully heard, and the argument closed, the committee took time for consideration until the 17th, 9 o'clock, to which time they adjourned. After having met agreeable to adjournment, and fully and solemnly considered the preliminary proposition to them submitted, have come to the following conclusion—

That the constitutional question, to them submitted, is a question which should have been made more properly before the committee on the Judiciary; but as the same was made and presented to this committee, and they have been compelled to assume the high responsibility of deciding upon so important a subject, and one of such general interest, and which tends to settle a principal of doubtful import in time to come, have come to a final conclusion and decision and submit the following resolution—

Resolved, That it is the opinion of the committee, that a Senator has no right, by the Constitution of the State of Kentucky, to reside without the district for which he was elected, and retain his seat in the Senate.

Mr. Johnston moved to recommit the said report to the committee of Privileges and Elections, with instructions to report the facts of the case.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Watkins and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Messrs, Beatty,	Hanson,	Schooling,
Bradshaw,	Johnston,	Walker, C. J.
Clarke,	Murrell,	Walker, J. V.
Dixon,	Pitts,	Wallace,
Guthrie,	Rice,	Wickliffe—15.

Those who voted in the negative were—

Messrs. Barlow,	Jesup,	Weller,
Burnett,	Morgan, J. S.	Willis,
De Courcy,	Pratt,	Wingate,
Huston,	Tomlinson,	Young, S.—14.
Jasper,	Watkins,	

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Mary Kimes:

An act for the benefit of the Clerk of the Washington County Court—
were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the first bill being dispensed with, it was referred to the committee of Finance.

The constitutional rule as to the second and third readings of the second bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Wickliffe, leave was given to bring in a bill to allow the Mayor and Council of the city of Lexington to levy an additional tax, and for other purposes. Messrs. Wickliffe, Clarke and Johnston were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, DECEMBER 20, 1838.

1. Mr. J. S. Morgan presented the petition of the County Court of Nicholas county, praying that the fines and forfeitures assessed in said county before the passage of the law appropriating fines and forfeitures to the payment of jurors, may be vested in the County Court of said county.

2. Mr. Jasper presented the petition of the Common School Commissioners for Wayne county, and others, praying that the Seminary lands of said county may be appropriated for the use of the Common Schools in said county.

3. Mr. Jasper presented the petition of sundry citizens of Wayne county, praying that the next April term of the Circuit Court of said county, may be extended one week longer.

4. Mr. Rice presented the petition of sundry citizens of Fike county,

praying for the passage of laws to restrain the retailing and use of spirituous liquors.

Which petitions were received; the 1st and 4th were referred to the committee of Propositions and Grievances; the 2d to the committee on Education; and the 3d to the committee on the Judiciary.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the proceedings of the 74th Regiment of Kentucky militia, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act authorizing the Register to issue a patent in the name of Barnabas Wing:

2. An act for the benefit of the heirs and representatives of Thomas Jasper, deceased:

3. An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 17, 1818:

4. An act for the benefit of the Clerks of this Commonwealth:

5. An act in relation to the registration of mortgages and deeds of trust—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 3d and 4th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Wickliffe, from a select committee—1. A bill to authorize the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill to continue in force an act to allow the Independent Banks of this Commonwealth, further time to collect and settle their concerns, approved January 4, 1836, and for other purposes.

3. A bill to amend an act to alter the mode of selecting petit jurors.

By Mr. James, from a select committee—4. A bill to establish the town of Lovelaceville, in the county of McCracken.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 3d and 4th bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the second and third readings of the first and second bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to establish the office of Comptroller of the Treasury, and for other purposes, reported the same without amendment.

Ordered, That the said bill be referred to the committee of the whole house on the state of the Commonwealth, and made the order of the day for the third of January next.

Mr. Guthrie, from the same committee, to whom was referred a bill to change the January term of the General Court, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be re-engrossed and again read a third time, and the same being re-engrossed, Mr. Guthrie moved to dispense with the constitutional rule as to the third reading.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe, and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Jasper,	Tomlinson,
Barlow,	Jesup,	Walker, C. J.
Beatty,	Johnston,	Walker, J. V.
Burnett,	Morgan, J. S.	Wallace,
Clarke,	Nuttall,	Watkins,
Davidson,	Pitts,	Weller,
Guthrie,	Pratt,	Willis,
Huston,	Rice,	Wingate—26.
James,	Schooling,	

Those who voted in the negative were—

Messrs. Bradshaw,	Wickliffe,	Young, S.—4.
De Courcy,		

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Schooling,
Bradshaw,	Jasper,	Tomlinson,
Burnett,	Jesup,	Walker, J. V.
Clarke,	Johnston,	Watkins,
Davidson,	Morgan, J. S.	Weller,
Dixon,	Pitts,	Willis,
Guthrie,	Pratt,	Wingate—23.
Huston,	Rice,	

Those who voted in the negative were—

Messrs. Ballinger,	Walker, C. J.	Wickliffe,
De Courcy,	Wallace,	Young, S.—7.
Murrell,		

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Fankfort, December 20th, 1838. }

Gentlemen of the Senate:

I nominate for your advice and consent, William Chambers, to be Notary Public in the county of Jefferson, and James Herndon, to be Sheriff of Simpson county, the County Court having failed to nominate agreeably to the Constitution.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, was received from the Governor by Mr. Bullock, Secretary of State; also, a message announcing that the Governor had approved and signed enrolled bills and resolutions which originated in the Senate of the following titles, viz:

An act for the benefit of James Bartley, Sheriff of Greenup county.

An act to authorize elections to be held in the Glasgow and Scottsville turnpike road.

An act to change the place of voting in the Renear precinct, in Butler county.

Approved December 17, 1838.

Resolutions in relation to a public armory.

Approved December 18, 1838.

An act to amend the law incorporating the town of Simpsonville, in Shelby county.

An act for the benefit of the estate of David Campbell.

An act for the benefit of John W. Simpson.

Approved December 19, 1838.

A message was received from the House of Representatives, announcing the passage of a bill from this House, entitled an act for the benefit of Lucy Jacobs, and the passage of bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Sheriff of Calloway county.

An act to incorporate the town of Francisburg, in Union county.

An act further to enforce the payments of State dividends declared by certain incorporated companies, and for other purposes.

An act to amend the charter of the Richmond and Lexington Turnpike Road Company.

An act to establish the town of Rochester.

An act for the benefit of the Sheriff of Henderson county.

An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of surveys.

An act to allow an additional Justice of the Peace to the county of Clay.

An act for the benefit of Nancy Collins.

An act to amend the charter of the city of Maysville.

An act for the benefit of the Sheriff of Shelby county.

An act to authorize the Register to receive and register certain surveys made in the year 1838.

An act to establish an election precinct in the county of Allen.

An act abolishing an election precinct in Casey county.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to change the name of Green Ruby to that of Green Kerley.

An act for the benefit of the Sheriff of Muhlenburg county.

An act to amend the charter of St. Josephs College.

Mr. Willis, from the committee of Propositions and Grievances to whom was referred the petition of sundry citizens of the counties of Mercer and Lincoln, praying for the establishment of a new county out of parts of said counties, to be called Boyle, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rice—1. A bill for the benefit of Harmon Hurst.

On the motion of Mr. Pitts—2. A bill to incorporate the town of Rumsey, in Muhlenburg county.

On the motion of Mr. De Courcy—3. A bill for the benefit of Joseph Dawson.

On the motion of Mr. Willis—4. A bill to change the time of holding the Green Circuit Court.

5. A bill to appoint trustees for the town of Summersville, in Green county.

The committee on the Judiciary were directed to prepare and bring in the 1st; Messrs. Pitts, Clarke and Burnett the 2d; Messrs. De Courcy, Willis and Burnett the 3d; the committee on Propositions and Grievances the 4th, and Messrs. Willis, J. S. Morgan and Wallace the 5th.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to have the line run and marked between the counties of Morgan and Floyd:

An act allowing an additional Justice of the Peace to Butler county:

An act to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick:

An act for the benefit of Anne Dix and Elizabeth Maria Dix—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to run and mark the line dividing the counties of Knox and Whitley, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the Sheriff of Shelby county.

2. An act to amend the charter of the city of Maysville.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee of Finance, and the 2d ordered to be read a third time.

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Engrossed bills of the following titles, viz:

An act providing that certain legacies and devises shall not lapse.

An act regulating the duties of Clerks of Circuit Courts.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An act for the benefit of Margaret B. White.

An act for the benefit of Ferdinand Hunn.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act for the benefit of Sarah Ann Brown—were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of the Lunatic Asylum, was read the third time.

Ordered, That the said bill be recommitted to the committee on Internal Improvement.

An engrossed bill, entitled, an act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior court, and executions to issue in certain cases, was read a third time.

The said bill was amended by way of engrossed ryder.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Hopkinsville Female Academy, was read the third time, as amended.

Mr. Beatty then moved a reconsideration of the vote ordering said bill to a third reading, and adopting the amendment; and the question being taken thereon, it was decided in the affirmative.

The said bill was amended.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act changing the place of voting in the Stephensport precinct, in Breckinridge county:

An act for the benefit of the infant heirs of Henry Crittenden, deceased, were severally read the third time, as amended.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line:

An act for the benefit of Nancy L. McCulloch:

An act for the benefit of William Gross:

An act to incorporate the Louisa Literary Society :

An act for the benefit of Margaret Holtzclaw—were severally read the third time.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Henry G. A. Blankman:

An act for the benefit of Keziah Craycraft—were severally read a third time.

The question being taken upon the passage of the said bills, it was decided in the negative; and so the said bills were disagreed to.

The Senate then took up for consideration, a resolution from the House of Representatives, for the appointment of a joint committee to examine Transylvania University and the Lunatic Asylum, which being twice read was amended and concurred in.

Mr. Guthrie read and laid on the table the following joint resolution, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That it shall be a standing rule of the two Houses that the committee on Education of each House, shall be a joint committee for the annual examination of the Transylvania University, the Lunatic Asylum, and the Deaf and Dumb Asylum, and to report the condition of each.

Mr. Wickliffe moved the following resolution, viz:

Resolved That the committee on the Penitentiary inquire into the expediency of changing the mode of conducting that Institution, by the appointment of an Agent or Keeper of it, at a reasonable salary, instead of working it in partnership, as now done, and report by bill or otherwise.

Which being twice read was adopted.

Mr. Willis moved the following resolution, viz:

Resolved, That when the Senate adjourns on this day, they will adjourn to meet again according to the joint resolution.

Which being twice read was adopted.

Mr. Barlow moved the following joint resolution, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the joint rules which require the committee on public offices to make their report within the first thirty days of the session, be suspended, and that they be permitted to report whenever practicable.

The rule requiring joint resolutions to be one day on the table being dispensed with, the said resolution was twice read and adopted.

Mr. Guthrie moved the following resolution, viz:

Resolved, That the committee on Finance inquire into the propriety and expediency of authorizing the Commissioners of the Sinking Fund to purchase the individual stock in the Louisville and Portland canal, by a sale of State bonds; and when purchased, of reducing the tolls to a sum not exceeding ten per cent. on the cost, and of charging the interest on the cost to

the Sinking Fund, and credit it with the profits; and when the principal shall be refunded from the excess of dividends over and above the interest, of gradually reducing the tolls until they shall no longer be a charge on the commerce of the Ohio river, and they report by bill or otherwise.

Which being twice read was adopted.

Mr. De Courcy, from the committee appointed for that purpose, reported a bill for the benefit of Joseph Dawson, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee of Finance.

And then the Senate adjourned.

TUESDAY, JANUARY 1, 1839.

The Speaker took the Chair, and there not being a quorum, the members present adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, JANUARY 2, 1839.

1. Mr. Pratt presented the petition of sundry citizens of Harrison county, praying for the passage of a law for the benefit of A. Broadwell.

2. Mr. Wingate presented the petition of sundry citizens of Hardin county, praying that steps may be taken to remove their representative in the Senate from his station.

3. Mr. Johnston presented the petition of Willis W. Harbourt, praying for the passage of a law authorizing a conveyance of a tract of land, sold by him and his deceased wife to Sidner Hall.

Which petitions were received and referred; the 1st and 3d to the committee on the Judiciary; and the 2d to the committee of Privileges and Elections.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, viz:

An act to change the January term of the General Court.

An act for the benefit of William Butler, Clerk of the Monroe County Court.

That they had concurred in a resolution from the Senate giving the committee on Public Offices further time to report; and that they had received official information, that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley.

An act for the benefit of John L. Cole, of Barren county.

An act for the benefit of Mary Ann Sellers and Sarah E. Sellers.

An act to change the place of voting in the Mulliken precinct, in Fleming county.

An act for the benefit of Eliza Hancock.

An act for the benefit of the Sheriffs of Logan and Simpson counties.

An act to allow an additional Constable to the county of Hardin.

An act allowing an additional Constable to the county of Marion.

An act to change the place of voting in the Quicksand and Crawford precincts, in Estill county, and Dennis precinct, in Washington county, and to establish an election precinct in Pulaski county.

An act for the benefit of the Sheriff of Lincoln county.

An act for the benefit of the Sheriff of Garrard county.

An act to change the name of James Babcock.

An act to amend the charter of the city of Covington.

Approved December 17, 1838.

An act providing for a change of venue in a prosecution for felony against Joel (alias) Joseph Turnham, Jr.

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

Approved December 18, 1838.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Dixon—1. A bill to establish the Real Estate Bank of Kentucky.

On the motion of Mr. Watkins—2. A bill for the benefit of Joseph Allen, Clerk of the Breckinridge Circuit Court.

On the motion of Mr. Rice—3. A bill for the benefit of the Sheriff of Lawrence county.

4. A bill giving Harris W. Thompson, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

On the motion of Mr. Burnett—5. A bill to authorize the Clerk of Trigg county to record certain deeds.

On the motion of Mr. Barlow—6. A bill to change the time of the annual meeting of the General Assembly.

On the motion of Mr. Hanson—7. A bill for the benefit of Anderson Dunn and Isaac Hemmingway.

On the motion of Mr. Guthrie—8. A bill to incorporate the Kentucky and Louisville Mutual Insurance Company.

The committee on the Judiciary was directed to prepare and bring in the 2d and 8th; the committee of Finance the 3d and 7th; Messrs. Dixon, Guthrie and Rice were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Huston and J. C. Walker the 4th; Messrs. Burnett, Dixon and Pitts the 5th; and Messrs. Barlow, James and Murrell the 6th.

On the motion of Mr. Pitts,

Resolved, That a select committee be raised, consisting of three members, whose duty it shall be to inquire into the different contracts that have been made for the delivery of hydraulic lime, to the various locks on Green and Barren rivers, and how far those contracts have been complied with on the part of contractors and the agents of the State; and if damages and injustice have not been done to one or more of the original contractors which requires, in order to do justice to the party injured, the interposition of legislative aid; and that said committee have power to send for persons and papers.

Whereupon Messrs. Wickliffe, Dixon and Johnston were appointed a committee pursuant to the said resolution.

Mr. Wickliffe read and laid on the table the following resolution, viz:

Resolved by the Legislature of Kentucky, That the Librarian be, and he is hereby, instructed to purchase, for the use of the State, a copy of Audibon's Ornithology; also to erect a case for its keeping in the Library room.

The resolution adopting a joint rule that the committees on Education of each House, be a joint committee to examine Transylvania University, the Lunatic Asylum, and the Deaf and Dumb Asylum, read and laid on the table on the 20th ult. by Mr. Guthrie, was taken up, twice read and adopted.

Engrossed bills of the following titles, viz:

An act to amend an act to alter the mode of summoning petit jurors.

An act to establish the town of Lovelaceville—were each read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act in relation to the registration of mortgages and deeds of trust, was read the third time, and amended by way of rider.

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Guthrie, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Tomlinson,
Barlow,	Jasper,	Walker, C. J.
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Johnston,	Wallace,
Clarke,	Murrell,	Watkins,
Dixon,	Pitts,	Weller,
Guthrie,	Pratt,	Wickliffe,
Hanson,	Rice,	Wingate,
Huston,	Schooling,	Young, S.—27.

Those who voted in the negative were—Mr. Nuttall.

Resolved, That the title of the said bill be as aforesaid.

A resolution from the House of Representatives for a recess of the General Assembly, was laid on the table.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to amend the charter of Centre College.
2. An act to allow an additional Constable to the county of Logan.
3. An act for the benefit of the Sheriff of Clay county.
4. An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.
5. An act for the benefit of the heirs and representatives of Eliza Murray, deceased.
6. An act for the benefit of Willie Sugg.
7. An act for the benefit of Jeremiah Smith, of Clay county.
8. An act for the benefit of Nelson Dyer.
9. An act for the benefit of Eliza Jane Grider.
10. An act for the benefit of the Sheriff of Calloway county.
11. An act to incorporate the town of Francisburg, in Union county.
12. An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.
13. An act to amend the charter of the Richmond and Lexington Turnpike Road Company.
14. An act to establish the town of Rochester.
15. An act for the benefit of the Sheriff of Henderson county.
16. An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of survey.
17. An act to allow an additional Justice of the Peace to the county of Clay.
18. An act for the benefit of Nancy Collins.
19. An act to authorize the Register to receive and register certain surveys made in the year 1838.

20. An act to abolish an election precinct in the county of Allen.

21. An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

22. An act to change the name of Green Ruby to that of Green Kerley.

23. An act for the benefit of the Sheriff of Muhlenburg county.

24. An act to amend the charter of St. Josephs College.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st and 24th to the committee on Education; the 2d and 17th to the committee of Propositions and Grievances; the 3d, 10th, 15th, and 23d to the committee of Finance; the 4th, 7th, 12th, 13th and 22d to the committee of Internal Improvement; the 5th, 6th, 11th, 14th, 16th, 19th and 21st to the committee on the Judiciary; the 8th, 9th and 18th to the committee of Religion; and the 20th to the committee of Privileges and Elections.

A bill from the House of Representatives, entitled, an act to establish an election precinct in Casey county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was ordered to be read a third time.

And then the Senate adjourned.

THURSDAY, JANUARY 3, 1839.

1. Mr. J. S. Morgan presented the petition of James Squires, praying for the passage of a law releasing him from liability on a bond given by him for the safe keeping and return of certain public arms.

2. Mr. Wingate presented the petition of Henry Bradley and John Bradley, praying for the passage of a law incorporating the Franklin Mining and Smelting Company.

3. Mr. Clarke presented the petition of Robert Middleton, and Jane, his wife, praying for the passage of a law to enable them to sell and convey a tract of land.

4. Mr. James presented the petition of Martha A. Walker, praying for the passage of a law authorizing the sale of a portion of the real estate belonging to the infant heirs of Wm. T. Walker.

5. Mr. Schooling presented the petition of the administrators of the es-

tate of Leonard Hamilton, deceased, praying for the passage of a law, authorizing a sale of the real estate of the deceased, for the payment of his debts.

6. Also the petition of sundry citizens of the town of Lebanon, praying for the passage of a law compelling the owners of lots on main street, in said town, to pave or McAdamize the same.

7. Also a petition counter thereto.

8. Mr. Wallace presented the petition of Franklin Bowles, guardian of the infant heirs of John C. Self, deceased, praying for the passage of a law legalizing the sale of a negro man, by the the administrator of the estate of the said Self, and authorizing the proceeds of the sale to be vested in land in the State of Missouri, and to authorize him to remove the slaves of his wards to that State.

Which petitions were received and referred; the 1st to the committee on Military Affairs, and the others to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Harrison county, praying for the passage of a law for the benefit of A. Broadwell, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Maria Waller, an idiot, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Allen, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of Green Ruby to that of Green Kirley, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Hanson, from the committee of Finance, to whom was referred a

bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Shelby county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill for the benefit of the Sheriff of Lawrence county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Burnett, from the committee appointed for that purpose, reported a bill to authorize the Clerk of Trigg county, to record certain deeds, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

The Speaker laid before the Senate the following communication from the Governor, enclosing Mr. Mather's report on the Geological reconnoissance of Kentucky.

[*For this Report—see Appendix.*]

Ordered, That the said report be referred to the committee of Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the following letter and report of the Superintendent of public instruction.

[*For this Report—see Appendix.*]

Ordered, That the said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the following annual report of the Commissioners of the Lunatic Asylum.

[*For this Report—see Appendix.*]

Ordered, That the said report be laid on the table, and that the Public Printer print 300 copies thereof, 150 of which for the use of the General Assembly, and the other 150 to be delivered to the Chairman of said Board.

A message was received from the House of Representatives, announcing that they had concurred in the Senate's amendments to bills which originated in that House of the following titles, viz;

An act to change the place of voting in the Stephensport precinct, in Brackinridge county.

An act for the benefit of George Knox.

An act to incorporate the Hopkinsville Female Academy.

An act to run and mark the line dividing the counties of Knox and Whiteley.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of Adam R. Walker.
2. An act to extend the powers of the trustees of the town of Burksville.
3. An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.
4. An act for the benefit of George O. Stovall.
5. An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriff of Jefferson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, was referred to the committee on Religion; the 2d, 3d and 4th to the committee on the Judiciary; the 5th was amended, and the question being taken on reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Pratt,
Barlow,	Jasper,	Rice,
Burnett,	Johnston,	Schooling,
Clarke,	Morgan, J. S.	Walker, C. J.
Dixon,	Murrell,	Wallace,
Guthrie,	Nuttall,	Watkins,
Hanson,	Pitts,	Wingate—22.
Huston,		

Those who voted in the negative were—

Messrs. Beatty,	Jesup,	Weller,
Bradshaw,	Tomlinson,	Wickliffe,
De Courcy,	Walker, J. V.	Young, S.—9.

The constitutional rule as to the third reading of the said bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriffs of Jefferson, Nicholas, Monroe, Barren and Clarke counties.

The resolution directing the Librarian to purchase Audubon's Ornithology, read and laid on the table by Mr. Wickliffe on yesterday, was taken up and referred to the committee on the Library.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hanson—1. A bill for the benefit of John Hollingsworth.

On the motion of Mr. Bradshaw—2. A bill for the benefit of the Sheriff of Adair county.

On the motion of Mr. J. S. Morgan—3. A bill to amend an act dispensing with quarterly, and substituting monthly statements, by the Banks of this Commonwealth, approved February 16th, 1838.

On the motion of Mr. Weller—4. A bill to amend the charter of the Logan, Todd and Christian Turnpike Road Company, and for other purposes.

On the motion of Mr. Schooling—5. A bill for the benefit of the Sheriff of Marion county.

On the motion of Mr. Huston—6. A bill to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

On the motion of Mr. Jasper—7. A bill for the benefit of the Sheriff of Wayne county.

On the motion of Mr. Pitts—8. A bill more effectually to prescribe the mode by which damages may be ascertained, which have or may be done to private property, by the erecting of dams for the slackwatering of the different water courses in this State.

9. A bill to appropriate the proceeds of lands given to the State by Jacob Luce, of Muhlenburgh county, as a bonus for the location of water power at lock No. 3, to improve the road from Skilesville to Greenville.

On the motion of Mr. Wickliffe—10. A bill to enable the Louisville, Cincinnati and Charlestown Railroad Company to obtain the right of way for said railroad, and for other purposes.

The committee on Finance was directed to prepare and bring in the 1st, 2d, and 5th; the committee on Internal Improvement the 4th, 8th, 9th and 10th; the committee on the Judiciary the 6th; the committee on Banks the 3d; and Messrs. Jasper, James and Barlow were appointed a committee to prepare and bring in the 7th.

On the motion of Mr. Wickliffe,

Resolved by the Senate, That the committee of Internal Improvement and Domestic Manufactures, to whom is referred a bill from the House of Representatives, entitled, an act to amend the Richmond and Lexington Turnpike Company, inquire whether the Board of Directors for said company, have not drawn from the Treasury of the State, the sum of three thousand

nine hundred and ten dollars, under a contract or contracts, with the council of the city of Lexington; that said council should allow the said Board of Directors to perform the work at the expense of the city; that the Board would grant to the city of Lexington, scrip to the full amount expended on main street, aforesaid, for stock in the company.

To inquire whether the expenditure aforesaid was either necessary or useful to the country or city.

That said committee further inquire whether the citizens of Lexington, or the individual members of the company, were consulted or knew of such bargaining, until after the amended charter was procured and the money expended.

To inquire into the propriety of repealing the amendatory act, especially so much as authorizes said company to construct a road on main street, and to hold jurisdiction thereof, and to erect a turnpike gate within less than one mile of the city limits.

That they inquire whether the Board of Directors aforesaid, ever submitted the said amendatory act to the individual stockholders for ratification, before they expended the money of the State, and of the individual stockholders, in the construction of the road; and set up three turnpike gates between the city of Lexington and the Kentucky river.

That they inquire whether said company ever, at any time, took the sense or vote of the individual stockholders, accepting said amended charter, and if they did, when and where was such vote taken, how many of the stockholders were present, and who of those present voted for accepting of the amended charter; and whether or not, any notice was given by those taking the vote, that the amended charter would be submitted for confirmation.

To inquire whether said company cannot, at convenient distances from the termini of the charter, obtain sites by donation, or by paying a fair price for the land for their toll houses.

Resolved, That said committee have leave to send for persons and papers, and to report by bill or otherwise.

On the motion of Mr. Hanson,

Resolved, That the committee of Privileges and Elections be directed to ascertain, and report the number of votes for the call of a convention, given in each county of this State, at the last general election—and the number of voters in each county, according to the enumeration thereof, made in the year 1838, by the several Commissioners of the revenue.

On the motion of Mr. Pratt, the rule limiting the number of members of the committee of Internal Improvement to five, was suspended, and Mr. J. S. Morgan was added to the said committee.

On the motion of Mr. Pitts, the said rule was suspended, and Mr. J. V. Walker was added to the said committee.

The Speaker laid before the Senate the following report of the President of the Bank of the Commonwealth, viz:

BANK OF THE COMMONWEALTH, }
January 3, 1839. }

SIR:

Since my last report, I have collected and paid into the Public Treasury, to the credit of the Commissioners of the Sinking Fund, \$31,280—\$1,628 80 of the notes of the Bank, have been redeemed and cancelled by burning, leaving in circulation, or unredeemed, \$3,681 96 of the entire amount issued.

The real estate remaining on hand, consists mostly of poor, unimproved lands, which are of but little value.

Nearly all the debts now due, are on judgments, but it is impossible for me to say, with any degree of certainty, what amount is yet to be realized. The receipts from this source for the present year, I think, may safely be set down at \$20,000.

No effort shall be wanting, on my part, to wind up the affairs of the Institution as speedily as possible.

Very respectfully, sir,

Your obe'd serv't.,

H. WINGATE, *President.*

To the HON. CHARLES A. WICKLIFFE,
Speaker of the Senate.

Ordered, That the said report be referred to the committee of Finance.

A bill from the House of Representatives, entitled, an act abolishing an election precinct in Casey county, was read the third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

And then the Senate adjourned.

FRIDAY, JANUARY 4, 1839.

Mr. Willis presented the petition of John S. Lasly, praying for a change of venue in a prosecution against him in Hardin Circuit Court.

Mr. Beatty presented the petition of sundry citizens, praying that Walker Reed shall be placed upon an equal footing, in point of salary, with other Circuit Judges in this State.

Also, the petition of Thomas Y. Payne, guardian of the infant children of James J. Ross, praying for the passage of a law authorizing a sale of certain real estate belonging to his wards.

Also, the petition of Eliza B. Langhorne and Henry Waller, praying for the passage of a law authorizing a sale of certain real estate in the city of Maysville, of which John T. Langhorne died seized.

Also, the petition of the Mayor and Council of the city of Maysville, praying that they may be authorized to levy a tax on foreign insurance companies, who have agents in said city.

Mr. Murrell presented the petition of William Pointer, guardian of the infant children of Ruth Pointer, and of Polly Pointer, praying for the passage of a law authorizing a sale of a tract of land in Barren county, which descended to his said wards from their mothers.

Which petitions were received and referred; the first to the committee of Propositions and Grievances, and the others to the committee on the Judiciary.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of the Sheriff of Shelby county.

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriff of Jefferson county.

That they had passed a bill from the Senate, entitled, an act for the benefit of the Sheriff of Lawrence county.

And concurred in resolutions from the Senate respecting the enticing away the slaves of the citizens of Kentucky by the citizens of other States.

And that they had passed bills of the following titles, viz:

An act to change the names of James Jameson and George Rook.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act to repeal the fourth section of an act, entitled, an act to establish a State road from Flin's old ferry across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved 25th February, 1836.

An act in relation to the roads in Clay and Perry counties.

An act for the benefit of Thomas J. Paris.

An act to establish the town of Pleasant Hill, in Calloway county.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the heirs and representatives of Eliza Murray, deceased.

2. An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of survey.

3. An act to incorporate the town of Francisburg, in Union county.

4. An act for the benefit of Willie Sugg—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the first and fourth bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish the town of Rochester.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to allow an additional Justice of the Peace to the county of Clay.

An act to allow an additional Constable to the county of Logan—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill for the benefit of the Lunatic Asylum, reported the same with amendments, which were concurred in; and being further amended, the question was taken on re-engrossing the said bill and reading it again a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Johnston,	Walker, J. V.
Beatty,	Morgan, J. S.	Wallace,
Clarke,	Murrell,	Watkins,
Dixon,	Nuttall,	Weller,
Guthrie,	Pitts,	Wickliffe,
Hanson,	Tomlinson,	Wingate—19.
Jesup,		

Those who voted in the negative were—

Messrs. Barlow,	Ford,	Schooling,
Bradshaw,	James,	Walker, C. J.
Burnett,	Jasper,	Willis,
De Courcy,	Rice,	Young, S.—12.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further to enforce the payment of the State's dividends, declared by certain incorporated companies, and for other purposes, reported the same with amendments—which were concurred in, and the said bill was referred to the committee on the Judiciary.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act for the benefit of Margaret Holtzclaw.

An act for the benefit of William Gross.

An act to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick.

An act for the benefit of Anne Dix and Elizabeth Maria Dix.

An act allowing an additional Justice of the Peace to Butler county.

An act for the benefit of Nancy L. McCulloch.

An act for the benefit of the infant heirs of Henry Crittenden, deceased.

An act for the benefit of George Knox.

An act to change the place of voting in the Stephensport precinct, in Brackinridge county.

An act to run and mark the line dividing the counties of Knox and Whiteley.

An act to incorporate the Hopkinsville Female Academy.

An act for the benefit of the Sheriff of Shelby county.

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriffs of Jefferson, Nicholas, Monroe, Barren and Clarke counties.

An act to allow an additional Justice of the Peace and Constables to certain counties.

An act for the benefit of James L. Todd, a lunatic.

An act for the benefit of William Kerchival.

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act for the benefit of James Henson and George W. McLeod.

An act to change the place of voting in the Floyd'sburg precinct, in Oldham county.

An act for the benefit of the Clerk of the Washington County Court.

An act for the benefit of James M. Hanson.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of Thomas Hite.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 17, 1818.

An act for the benefit of the Clerks of this Commonwealth.

An act for the benefit of the heirs and representatives of Thomas Jasper, deceased.

An act to incorporate the Louisa Literary Society.

An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act to legalize the proceedings of the 74th Regiment of Kentucky Militia, and for other purposes.

And enrolled bills and resolutions which originated in the Senate of the following titles, viz:

An act to change the January term of the General Court.

An act for the benefit of Lucy Jacobs.

An act for the benefit of William Butler, Clerk of the Monroe County Court.

Joint resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States.

And had found the same truly enrolled.

The said bills and resolutions being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that he approved and signed the said resolutions.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to establish a state road from Litchfield, in Grayson county, to Munfordsville, in Hart county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—I. A bill for the benefit of Joseph Allen.

2. A bill for the benefit of the heirs of John C. Self.

By Mr. Willis, from the committee of Propositions and Grievances—3. A bill to change the time of holding the Green Circuit Court.

By Mr. Jasper, from a select committee—4. A bill for the benefit of the Sheriff of Wayne county.

By Mr. Ballinger, from the committee of Internal Improvement—5. A bill authorizing the Board of Public Works, to cause to be constructed, suitable buildings for the public offices, and for other purposes.

By Mr. Nuttall, from a select committee—6. A bill to amend the law concerning the action of trespass.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, 3d and 4th were ordered to be engrossed and read a third time; the 5th was referred to the committee of Internal Improvement; and the 6th to the committee on the Judiciary, and the Public Printer ordered to print 150 copies of the 5th and 6th for the use of the General Assembly.

Mr. Beatty offered the following resolution, viz:

Resolved by the Senate and House of Representatives, That they will, on the fifth day of January, instant, proceed, by joint vote, to elect two Commissioners to proceed to Columbus, in the State of Ohio, in pursuance of the joint resolutions, passed by the two Houses, and approved by the Governor, in relation to enticing away the slaves of citizens of Kentucky, by citizens of other States.

Mr. Beatty moved to dispense with the rule of the Senate requiring the said resolution to lie on the table one day.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.
Beatty,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Watkins,
Clarke,	Nuttall,	Weller,
De Courcy,	Pitts,	Wickliffe,
Guthrie,	Pratt,	Wingate,
Hanson,	Rice,	Young, S.—26.
Huston,	Schooling,	

Those who voted in the negative were—

Messrs. Burnett,	Jasper,	Tomlinson,
Dixon,	Jesup,	Willis—7.
Ford,		

The said resolution was then twice read and adopted.

After a short time, a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

Mr. Pitts read and laid on the table the following resolution, viz:

Resolved, That the President of the Board of Internal Improvement be requested to inform this House, whether they have or have not had under consideration, the propriety of reducing and graduating the salaries of the different Engineers in the employment of the State, and what action, if any, has been had by the Board upon that subject.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hanson—1. A bill authorizing the Clarke County Court to appoint a Treasurer.

On the motion of Mr. James—2. A bill for the benefit of the Commissioner for taking in a list of the taxable property for the county of McCracken, for the year 1837.

On the motion of Mr. Wickliffe—3. A bill to alter the terms of the Court of Appeals, and for other purposes.

On the motion of Mr. Burnett—4. A bill more effectually to protect the rights of reversionary legatees.

On the motion of Mr. Pitts—5. A bill to establish a State road from Hartford, by lock and dam No. 3, on Green river, to Russellville.

The committee of Finance was directed to prepare and bring in the 1st and 2d; the committee on the Judiciary the 4th; Messrs. Wickliffe, Guthrie and Hanson, were appointed a committee to prepare and bring in the 3d; and Messrs. Pitts, Burnett and Nuttall the 5th.

And then the Senate adjourned.

SATURDAY, JANUARY 5, 1839.

Mr. S. Young presented the petition of John Ortkies, and Catharine, his wife, praying for the passage of a law, legalizing their marriage and legitimizing their son—which was received and referred to the committee of Religion.

On the motion of Mr. Wickliffe, a message was sent to the House of Representatives, informing them that the Senate are now ready to proceed to the election of two Commissioners, in pursuance of the resolutions respect-

ing the enticing away the slaves of citizens of this State, by the citizens of other States.

A message was received from the House of Representatives, announcing that they were ready to proceed to the said election. After interchanging nominations, the Senate proceeded to take the vote, which stood thus:

Those who voted for Mr. J. T. Morehead were—

Messrs. Ballinger,	Huston,	Tomlinson,
Barlow,	James,	Walker, C. J.
Beatty,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Wallace,
Burnett,	Johnston,	Watkins,
Clarke,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Wickliffe,
Dixon,	Pitts,	Willis,
Ford,	Pratt,	Wingate,
Guthrie,	Rice,	Young, S.—32.
Hanson,	Schooling,	

Those who voted for Mr. John Speedsmith were—

Messrs. Ballinger,	Huston,	Tomlinson,
Barlow,	James,	Walker, C. J.
Beatty,	Jasper,	Walker, J. V.
Bradshaw,	Johnston,	Wallace,
Burnett,	Morgan, J. S.	Watkins,
Clarke,	Murrell,	Weller,
De Courcy,	Pitts,	Wickliffe,
Dixon,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, S.—31.
Hanson,		

Messrs. Beatty and Wingate were appointed a committee on the part of the Senate, to compare the joint vote of both Houses, and report the result. After a short time, Mr. Beatty reported that Messrs. James T. Morehead and John Speedsmith had received a unanimous vote of the House of Representatives; that in the Senate, Mr. Morehead had received 32 votes, and Mr. Speedsmith 31 votes—whereupon, James T. Morehead and John Speedsmith were declared to be duly elected.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to extend the powers of the trustees of the town of Burksville, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of Frances M. Talbott, praying for a divorce from her husband, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Adam R. Walker, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Nelson Dyer, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jeremiah Smith, of Clay county, reported the same with an amendment—which was concurred in, and the said bill was recommitted to the same committee.

Mr. Hanson, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Sheriff of Henderson county:

An act for the benefit of the Sheriff of Calloway county:

An act for the benefit of the Sheriff of Clay county:

An act for the benefit of the Sheriff of Muhlenburg county—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Kimes, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Tomlinson,
Beatty,	Johnston,	Walker, C. J.
Burnett,	Morgan, J. S.	Walker, J. V.
De Courcy,	Murrell,	Wallace,
Dixon,	Pratt,	Watkins,
Ford,	Schooling,	Willis—19.
Hanson,		

Those who voted in the negative were—

Messrs. Ballinger,	Jasper,	Weller,
Bradshaw,	Jesup,	Wickliffe,
Clarke,	Nuttall,	Wingate,
Guthrie,	Rice,	Young, S.—13.
James,		

Mr. Hanson, from the same committee, to whom was referred a bill for the benefit of Joseph Dawson, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

Mr. Beatty, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the charter of St. Josephs College:

An act to amend the charter of Centre College, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to allow additional Constables to the counties of Spencer and Calloway.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill to extend to the Southwestern Railroad Bank the privilege to locate a branch of said Bank in this State, and for other purposes.

On the motion of Mr. Barlow—2. A bill to amend an act, entitled, an act for the benefit of William Butler, Clerk of the Monroe County Court, approved January 5th, 1839.

On the motion of Mr. Guthrie—3. A bill to amend an act, entitled, an act to establish the Louisville Chancery Court.

On the motion of Mr. Willis—4. A bill for the benefit of the Sheriff of Green county.

On the motion of Mr. De Courcy—5. A bill for the benefit of Sithy Ellis.

On the motion of Mr. James—6. A bill authorizing a fund to be raised by

lottery, for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

On the motion of Mr. Willis—7. A bill to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky militia.

Messrs. Wickliffe, Wingate and Clarke were appointed a committee to prepare and bring in the 1st; Messrs. Barlow, Murrell and Ballinger the 2d; Messrs. James, Watkins and Johnston the 6th: the committee on the Judiciary was directed to prepare and bring in the 3d and 5th; the committee of Finance the 4th; and the committee on Military Affairs the 7th.

Mr. Wallace moved the following resolution, viz:

Resolved by the Senate, That the Governor be requested to cause to be fired, on the public square, on Tuesday the 8th inst., a national salute, in commemoration of the glorious victory obtained by the American troops, over the British forces at New Orleans, on the 8th of January, 1815.

Mr. Beatty moved that the said resolution be laid on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Bradshaw,	Young, S.—4.
Beatty,		

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Schooling,
Burnett,	James,	Tomlinson,
Clarke,	Jasper,	Walker, C. J.
De Courcy,	Jesup,	Walker, J. V.
Dixon,	Johnston,	Wallace,
Ford,	Nuttall,	Willis,
Guthrie,	Pitts,	Wingate—23.
Hanson,	Pratt,	

The said resolution was then adopted.

The following bills were reported, viz:

By Mr. Dixon—1. A bill to establish the Real Estate Bank of Kentucky.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill legalizing the acts of the Clerk pro tem. of the Gallatin Circuit Court.

3. A bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time.

4. A bill to incorporate the Kentucky and Louisville Mutual Insurance Company.

By Mr. Wingate, from the committee on Religion—5. A bill for the divorce of Sarah Jane Phelps.

By Mr. Ballinger, from the committee of Internal Improvement—.6 A bill to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

By Mr. Hanson, from the committee of Finance—7. A bill giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.

8. An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

9. An act for the benefit of John Hollingsworth.

10. An act for the benefit of the Sheriff of Adair county.

By Mr. Wickliffe—11. A bill changing the terms of the Court of Appeals, and for other purposes.

By Mr. Barlow—12. A bill to amend an act, entitled, an act for the benefit of William Butler, Clerk of the Monroe County Court, approved January 5th, 1839.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 2d, 3d, 4th, 5th, 6th, 9th and 11th bills being dispensed with, the 1st, 2d and 11th were referred to the committee on the Judiciary; the 6th to the committee of Internal Improvement; and the 2d, 4th, 5th and 9th were ordered to be engrossed and read a third time.

The constitutional rule as to the second and third readings of the 7th, 8th, 10th and 12th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the first and third bills for the use of the General Assembly.

The resolution calling upon the President of the Board of Internal Improvement for information in relation to the salaries of the Engineers, offered by Mr. Pitts on yesterday, was taken up and adopted.

On the motion of Mr. Weller, a message was sent to the House of Representatives, requesting leave to withdraw the report that the Senate had disagreed to a bill from that House, entitled, and act for the benefit of Henry G. A. Blankman.

On the motion of Mr. Nuttall, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Keziah Craycraft. The said bills were returned to the Senate.

On the motion of Mr. Weller, the vote disagreeing to the former bill was reconsidered.

And then the Senate adjourned.

MONDAY, JANUARY 7, 1839.

1. Mr. Guthrie presented the petition of Catharine Averill, administratrix of the estate of Franklin C. Averill, praying for the passage of a law authorizing a sale of real estate, to pay the debts of the deceased.

2. Mr. Ford presented the petition of Martha Anderson, a poor person without hands and arms, praying for an appropriation for her support.

3. Mr. Beatty presented the memorial of the Kentucky State Agricultural Society, praying for the passage of a law establishing and endowing a school of Agriculture for the State of Kentucky.

Which were received and referred; the 1st to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on Education.

Ordered, That the Public Printer print 150 copies of the said memorial for the use of the General Assembly.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the estate of Leonard Hamilton, deceased.

2. A bill for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

By Mr. Hanson, from the committee on Finance—3. A bill for the benefit of the Sheriff of Green county.

4. A bill for the benefit of Anderson Dunn and Isaac Hemmingway.

By Mr. Rice—5. A bill giving Harris W. Thompson, late deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

By Mr. Pitts—6. A bill to make an addition to the town of Rochester, in Butler county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 4th and 5th were ordered to be engrossed and read a third time; and the 6th was referred to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to incorporate the Louisville Law Library Company, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

On the motion of Mr. Hanson, the committee of Finance was discharged from the duty of preparing and bringing in a bill to amend the laws in relation to the mode of summoning and praying jurors.

On the motion of Mr. Nuttal, the vote disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Keziah Craycraft, was reconsidered.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—1. A bill to reduce into one the several acts in relation to the town of Frankfort, and for other purposes.

On the motion of Mr. Rice—2. A bill to change the time of holding the Carter County Court.

On the motion of Mr. Pitts—3. A bill to make it the duty of the emancipator of slaves to provide the means for their transportation to some colony on the shores of Africa.

On the motion of Mr. Jesup—4. A bill to incorporate the Mount Vernon Academy, in Christian county.

On the motion of Mr. Nuttall—5. A bill to extend the ca. sa. law to breaches of marriage contracts.

Messrs. Wingate, Burnett and Pitts were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Hanson and Huston the 2d; Messrs. Nuttall, S. Young and J. S. Morgan the 5th; the committee on the Judiciary was directed to prepare and bring in the 3d; and the committee on Education the 4th.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act for the benefit of Henry G. A. Blankman.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of the Sheriff of Wayne county, was read the third time and laid on the table.

Engrossed bills of the following titles, viz:

An act to authorize the Clerk of Trigg county to record certain deeds.

An act for the benefit of Joseph Allen.

An act for the benefit of the heirs of John C. Self.

An act to change the time of holding the Green Circuit Court.

An act for the benefit of Joseph Dawson.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An act for the divorce of Sarah Jane Phelps.

An act for the benefit of John Hollingsworth—were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to change the name of Green Ruby to that of Green Kerley.
 2. An act to amend the charter of Center College.
 3. An act to amend the charter of St. Joseph's College.
 4. An act for the benefit of Adam R. Walker.
 5. An act to extend the powers of the trustees of the town of Burksville,
- were severally read the first time, as amended.

Resolved, That the said bills, as amended, do pass, and that the titles of 1st, 2d, 3d and 5th be as aforesaid; and that the title of the 4th be amended to read, an act for the divorce of Adam R. Walker.

Bills from the House of Representatives of the following titles, viz:

An act to incorporate the town of Francisburg, in Union county.

An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of survey.

An act for the benefit of Mary Kimes—were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to authorize certain land warrants to be surveyed in the county of Clinton.
2. An act to repeal the fifth section of an act, entitled, an act to establish a State road from Flin's old ferry across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved 25th February, 1836.
3. An act in relation to the roads in Clay and Perry counties.
4. An act for the benefit of Thomas J. Paris.
5. An act to establish the town of Pleasant Hill, in Calloway county.
6. An act to allow an additional Constables to the counties of Spencer and Calloway.
7. An act to change the names of James Jameson and George Rook.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 5th were referred to the committee on the Judiciary; the 2d and 3d to the committee of Internal Improvement; the 4th to the committee of Religion; and the 6th and 7th to the committee of Propositions and Grievances.

A message was received from the House of Representatives, announcing

that they had disagreed to a bill from the Senate, entitled, an act for the benefit of Hiram Philips.

That they had passed bills from the Senate of the following titles, viz:

An act providing that certain legacies and devises shall not lapse.

An act to continue in force an act to allow the Independent Banks of this Commonwealth, further time to collect and settle their concerns, approved January 4, 1836, and for other purposes.

An act for the benefit of the Sheriffs of Owen and Butler counties, with amendments to the last named bill—which amendments were twice read and concurred in.

And also that they had passed bills of the following titles, viz:

1. An act for the benefit of John Cobb, Hezekiah Willis, Perry Waters and Stephen Burch.

2. An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

3. An act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion.

4. An act for the benefit of Henry Clay, Jr.

5. An act concerning the Meade Circuit Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d and 4th were referred to the committee of Finance; the 3d to the committee on Military Affairs; and the 5th to the committee on the Judiciary.

On the motion of Mr. Hanson, the committee of the whole House, on the state of the Commonwealth, were discharged from the further consideration of a bill to regulate the administration and settlement of estates, and the said bill was referred to the committee on the Judiciary.

And then the Senate adjourned.

TUESDAY, JANUARY 8, 1839.

Mr. Daniel Morgan, a member of the Senate from the thirty fifth Senatorial District, appeared and took his seat.

1. Mr. Nuttall presented the petition of sundry citizens of Oldham county, praying that the county seat of said county may be established at the town of Westport.

2. Mr. Willis presented the petition of Mason W. Sherrill, a Justice of the Peace, praying that he may be furnished with the law books to which Justices are entitled, those which were in his possession having been destroyed by the burning of his house.

3. Mr. Rice presented the petition of William Kouns, and others, praying that he may be authorized to obtain tavern license, free from the payment of the Commonwealth's tax.

4. Mr. Weller presented the memorial of sundry citizens of the town of Smithland, praying that if a Southern Bank of Kentucky be chartered, that a branch may be located in said town.

Which were received; the 1st and 2d were referred to the committee of Propositions and Grievances; the 3d to the committee of Finance, and the 4th to the committee on Banks.

On the motion of Mr. Ford, the committee of Propositions and Grievances was discharged from the further consideration of the petition of Martha Anderson, and the said petition was referred to the committee of Finance.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill giving the officers, and crew, and mechanics, and others, a lien on steamboats, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act to establish the town of Pleasant Hill, in Calloway county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

By Mr. Willis, from the committee of Propositions and Grievances—An act to allow additional Constables to the counties of Spencer and Calloway.

An act to change the names of James Jameson and George Rook.

By Mr. Hanson, from the committee on Finance—An act for the benefit of Henry Clay, Jr.

An act for the benefit of John Cobb, Hezekiah Willis, Perry Waters and Shepherd Burch.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of Martha A. Walker, and the petition of Thomas Y. Payne, guardian of the infant children of James J. Ross, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning the Meade Circuit Court, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of John Black, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was disagreed to.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of Robert and Jane Middleton.

2. A bill for the benefit of the heirs of Ruth and Polly Pointer.

3. A bill for the benefit of George H. Clements, and others.

4. A bill for the benefit of the heirs of John T. Langhorne.

By Mr. Willis, from the committee of Propositions and Grievances—5. A bill to authorize a change of venue in the trial of John S. Lasley.

By Mr. Rice, from a select committee—6. A bill to change the time of holding the Carter County Court.

By Mr. James, from a select committee—7. A bill authorizing a fund to be raised by lottery, for the endowment of a male and female Academy, in the town of Paducah, and for other purposes.

By Mr. Bitts, from a select committee—8. A bill to establish a State road from Hartford to Russellville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 4th and 6th were ordered to be engrossed and read a third time; the 5th was referred to the committee on the Judiciary; the 7th to the committee on Education, and the 8th to the committee of Internal Improvement.

On the motion of Mr. Hanson, the committee of Finance was discharged

from the duty of preparing and bringing in a bill for the benefit of the commissioner for taking in a list of taxable property, for the county of McCracken, for the year 1837.

On the motion of Mr. Pitts, the rule of the Senate, limiting the number of the members of the committee on the Penitentiary to five, was suspended, and Mr. D. Morgan was added to the said committee.

On the motion of Mr. Beatty,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of repealing so much of an act authorizing the Governor to provide for the collecting together, and safe keeping of the public arms, as gives him discretionary power to distribute said arms and accoutrements among the different volunteer companies, or troops of the militia of this State; and that said committee have leave to report by bill or otherwise.

Mr. Ford moved the following resolution, viz:

Resolved, That the committee on Education be instructed to inquire into the propriety of so amending the act, approved February the 16th, 1838, to establish a system of Common Schools in this Commonwealth, as to authorize, at public expence, to be educated a competent number of *young men*, for teachers of Common Schools in this Commonwealth; and whether suitable endowments should not be made, with a view to the attainment of that desirable object, in addition to what have been already made to Transylvania University, the Southern, Cumberland, Centre and Augusty Colleges, or to any other College, or literary institution or institutions in this State, and report by bill or otherwise.

On the motion of Mr. James, the said resolution was amended by inserting the word "poor" before the words "young men," printed in italics.

The said resolution was then adopted.

On the motion of Mr. Rice,

Resolved, That the committee of Internal Improvement be instructed to inquire into the expediency of making an appropriation, sufficient to complete the turnpike road from Owingsville to the mouth of Big Sandy; and directing, by law, the Board of Internal Improvement, to put the residue of said road under contract as soon as practicable, and that they report by bill or otherwise.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Barlow—1. A bill to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved January 27, 1838.

On the motion of Mr. Guthrie—2. A bill for the benefit of Joseph Barbour.

On the motion of Mr. Rice—3. A bill to amend an act to incorporate the turnpike road company from Poplar Plains, in Fleming county, to Louisa, in Lawrence county, approved February 29th, 1836.

On the motion of Mr. Johnston—4. A bill to provide for rebinding certain record books of the Shelby County Court.

On the motion of Mr. Murrell—5. A bill to establish a turnpike road from Muldrow's hill turnpike to Glasgow.

Messrs. Barlow, Jasper and Bradshaw were appointed a committee to prepare and bring in the 1st; Messrs. Rice, C. J. Walker and Huston the 3d; Messrs. Johnston, Murrel and Ballinger the 4th; and the committee of Internal Improvement was directed to prepare and bring in the 2d and 5th.

On the motion of Mr. Ballinger, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Nelson Dyer. The said bill being returned to the Senate, on the motion of Mr. Ballinger, the vote was reconsidered by which it was disagreed to, and it was referred to the committee of Religion.

On the motion of Mr. Barlow,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of so amending the militia law, as to exempt those that have guns from carrying them to muster.

Engrossed bills of the following titles, viz:

An act to incorporate the Louisville Law Library Company:

An act for the benefit of the estate of Leonard Hamilton, deceased.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson :

An act for the benefit of Anderson Dunn and Isaac Hemingway :

An act giving Harris W. Thompson, late deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines:

An act for the benefit of the Sheriff of Green county, were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the charter of the Lexington and Georgetown turnpike road company, with an amendment.

The said bill and amendment were referred to the committee of Internal Improvement.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

1. An act to amend the several acts concerning the towns of Paris and Elizabethtown.

2. An act to provide a standard of weights and measures for the several counties of this State.

3. An act for the benefit of the estate of Edmund Hall, deceased.

4. An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

5. An act to reduce the bounds of the town of Brownsborough.

6. An act authorizing the trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

7. An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., deceased.

8. An act to change a part of the State road from Brandenburg to Bowlinggreen,

9. An act for the benefit of the Sheriffs of Franklin and Woodford counties.

10. An act to preserve the original manuscript of the annual messages of the Governors of this State.

11. An act to amend an act to establish a ferry across the Ohio river at Paducah.

12. An act to abolish certain streets, and parts of streets, in the town of Clinton, in Trigg county.

13. An act to incorporate the trustees of Rock Spring Church.

14. An act supplementary to an act, approved the 12th of February, 1838, for the benefit of Isaac Young.

15. An act for the benefit of John W. Flora.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st, 2d, 6th, 7th, 11th, 12th, 14th and 15th to the committee on the Judiciary; the 3d, 4th and 8th to the committee of Internal Improvement; the 5th to the committee of Propositions and Grievances; the 9th to the committee on Military Affairs; the 10th to the committee on Public Offices; and the 13th to the committee of Religion.

And then the Senate adjourned.

WEDNESDAY, JANUARY 9, 1839.

1. Mr. D. Morgan presented the petition of sundry citizens of Fleming county, praying that the salary of Walker Reid may be the same as received by other Circuit Judges.

2. Mr. Wingate presented the petition of the Board of Internal Improvement of Anderson county, praying for an appropriation to pay the amount which the Board now owes for making their road.

3. Also, the petition of Daniel Allnutt, guardian of his children, William and Mary Elizabeth Allnutt, praying for the passage of a law authorizing a conveyance of the interest of his said wards, in a tract of land in Fayette county, devised to them by their grandfather, Horatio Johnson.

4. Mr. Pitts presented the petition of William E. Dixon, praying for the passage of a law by which he shall obtain the damages sustained by him from the water at lock and dam No. 3 overflowing his mill on Big Muddy creek.

Which were received; the 1st and 3d were referred to the committee on the Judiciary, and the 2d and 4th to the committee of Internal Improvement.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Matthew Reid, and the infant children of Samuel M. Smith, deceased.

And that they had passed a bill, entitled, an act to authorize the trustees of Paris to sell a certain lot and street therein.

The said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, entitled, an act for the benefit of John Griffin, guardian of the heirs of John Conway, Jr. deceased, and an act to provide a standard of weights and measures for the several counties in this State, reported the same with amendments to each—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend an act to establish a ferry across the Ohio river at Paducah:

An act supplementary to an act, approved the 12th of February, 1838, for the benefit of Isaac Young:

An act for the benefit of George O. Stovall:

An act for the benefit of John W. Flora:

An act to authorize the trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the Register to receive and register certain surveys made in the year 1838, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Willis, from the committee of Propositions and Grievances to whom was referred a bill from the House of Representatives, entitled, an act to reduce the bounds of the town of Brownsborough, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Wingate, the committee of Religion was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of Nancy Collins, and the said bill was referred to the committee on the Judiciary.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas J. Parish, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jeremiah K. Sullivan, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the trustees of the Rock Spring church, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of the petition of the Kentucky Silk Manufacturing Company, and from the duty of preparing and bringing in a bill to appropriate the proceeds of lands given to the State by Jacob Luce, of Muhlenburg county, as a bonus for the location of water power at lock No. 3, to improve the road from Skilesville to Greenville.

Leave was given to bring in the following bills, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend the charter of the city of Maysville.

By Mr. Willis, from the committee of Propositions and Grievances—2. A bill to repeal the law allowing ferry keepers to keep tavern without licence.

By Mr. Ballinger, from the committee of Internal Improvement—3. A bill to amend the charter of the Shepherdsville and Louisville turnpike company.

By Mr. Wickliffe, from a select committee—4. A bill to authorize the Southwestern Railroad Bank to establish a branch in this State, and for other purposes.

By Mr. Barlow, from a select committee—5. A bill to amend an act, entitled, an act to incorporate the towns of Albany, in Clinton county, and Ballardsville, in Oldham county, approved January 27th, 1838.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st, 3d, 4th and 5th bills being dispensed with, the 1st was ordered to be engrossed and read a third time; the 3d and 5th were referred to the committee on the Judiciary, and the 4th to the committee of Internal Improvement.

The constitutional rule as to the second and third readings of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

On the motion of Mr. Willis, the committee of Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Pike county, praying for the passage of laws to restrain the retailing of spirituous liquors.

A message, in writing, was received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, January 9th, 1839. }

*Gentlemen of the Senate
and House of Representatives:*

I have received the preamble and resolution of the Legislature of the State of South Carolina, in relation to the Louisville, Cincinnati and Charleston Railroad Company, providing for the appointment of a special commissioner, on the part of that State, to the State of Kentucky, for the purpose of procuring the aid and co-operation of Kentucky in the accomplishment of the enterprise; and a letter from his Excellency, the Governor of South Carolina, informing me of the appointment of C. G. Memminger, Esq., by virtue of the accompanying resolution, as the special commissioner; also, a letter from C. G. Memminger, Esq.—all of which are herewith transmitted.

You will doubtless afford to the commissioner, every facility in your power, in the execution of his mission, and extend to him all that courtesy due from one State to the delegated agent of another.

JAS. CLARK.

FRANKFORT, JANUARY 9, 1839.

SIR:

Herewith I forward you certain documents from the State of South Carolina, informing you that I have been deputed as a special commissioner, to make such explanations to the public authorities of the State of Kentucky, as may induce their co-operation in completing the great railroad which is to unite the South with the waters of the Ohio river. With a view to carry out the object of my mission, permit me, sir, respectfully to tender to you, and through you, to the Legislature of the State over which you preside, either personally or otherwise, such explanations of the subjects involved, as it may suit their or your convenience to receive. It will afford me the greatest pleasure to appear before any of the public authorities, for these purposes, at any time that may be designated.

Be pleased to accept for yourself, personally, my assurances of high consideration and respect, and to hope for your own co-operation and aid in promoting the important enterprise in which we are engaged.

With much respect,

Your obedient servant,

C. G. MEMMINGER.

His Excellency, JAMES CLARK,

Governor of the State of Kentucky, Frankfort.

EXECUTIVE DEPARTMENT,
Columbia, S. C. December 19, 1838. }

SIR:

I have the honor to inform you that a resolution has been adopted by the Legislature of South Carolina, of which the enclosed document is a copy, and to announce to your Excellency, that in pursuance of the authority which it vests in me, I have appointed C. G. Memminger, Esq., "a special commissioner, on the part of this State, to proceed to the State of Kentucky, for the purpose of making such explanations, and taking such measures, as may fully apprize the public authorities of that State of the great interests involved, and procure, if possible, their aid and co-operation."

I beg permission to make known to your Excellency, that South Carolina feels an abiding and deep interest in the success of the application to the Legislature of Kentucky for the grant of banking powers to the South Carolina and Charleston Railroad Company, believing, as she does, that the privilege is vitally essential and conducive to the achievement of the important enterprize, on which she, in common with all the States of Kentucky, Tennessee and North Carolina, is embarked. South Carolina cherishes the sanguine hope that Kentucky will concur with her in the expediency of granting the application, and co-operate with her, by the adoption of a measure which recommends itself to the most favorable consideration, by the efficient aid which it will contribute towards the attainment of our common purpose.

I have the honor to be,

With assurances of great respect,

Your Excellency's most ob't., serv't.,
PATRICK NOBLE.

His Excellency, JAMES CLARK,
Governor of Kentucky.

WHEREAS, The State of South Carolina is deeply sensible of the great advantages to be derived by the people of the various States which have incorporated the Louisville, Cincinnati and Charleston Railroad Company, and as an earnest of her own determination to assist in accomplishing the great work undertaken by this company, has pledged, towards its completion, a large portion of her resources, and has granted banking privileges to the stockholders in all the States of Kentucky, Tennessee, North and South Carolina: *And, whereas*, it is deemed of essential importance to the final success of the work, that these privileges should be confirmed, and that co-operation should be afforded by all the States through whose territories the railroad is to be constructed; and more especially by the State of Kentucky, whose products to the amount of several millions are purchased by our citizens, and whose cordial assistance would insure a successful accomplishment of the enterprize:

Be it therefore resolved by the Senate and House of Representatives of the State of South Carolina, That the Governor be authorized and requested, forthwith to appoint a special commissioner, on the part of this State,

to proceed to the State of Kentucky, for the purpose of making such explanations, and taking such measures, as may fully apprise the public authorities of that State, of the great interests involved, and procure, if possible, their aid and co-operation.

I hereby certify that this preamble and resolution were agreed to in the House of Representatives, 17th December, 1838; and concurred in and returned by the Senate, 18th December, 1838.

T. W. GLOVER, *C. H. R.*

JACOB WARLEY, *Clerk of the Senate.*

On the motion of Mr. Wickliffe,

Resolved, That a committee of three be appointed to wait on the Hon. C. G. Memminger, the commissioner from the State of South Carolina, and invite him to take a seat within the Senate, while he remains at this Capital; and further to inform him that the Senate will, at such times as he may deem proper, receive from him, any communications relative to his mission to the Legislature of Kentucky that he may think proper to make.

Messrs. Wickliffe, Wingate and Clarke, were appointed a committee pursuant to the said resolution.

On the motion of Mr. J. S. Morgan, he was excused from serving on the committee of Religion—Mr. Davidson was added to the said committee.

Mr. Wickliffe presented the petition of the Louisville, Cincinnati and Charleston Railroad Company, and of the Southwestern Railroad Bank, praying for a grant of a charter in the State of Kentucky.

Which was received and referred to the committee of Internal Improvement.

An engrossed bill, entitled, an act for the benefit of the Lunatic Asylum, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Clarke,
Davidson,
Dixon,
Guthrie,
Hanson,

Jesup,
Johnston,
Morgan, J. S.
Murrell,
Nuttall,
Pitts,
Roberts,

Tomlinson,
Walker, J. V.
Wallace,
Watkins,
Weller,
Wickliffe,
Wingate—21.

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Schooling,
Bradshaw,	James,	Walker, C. J.
Burnett,	Jasper,	Willis,
De Courcy,	Rice,	Young, S.—13.
Ford,		

Resolved, That the title of the said bill be as aforesaid.

Engrossed bills of the following titles, viz:

An act for the benefit of Robert and Jane Middleton:

An act for the benefit of the heirs of Ruth and Polly Pointer:

An act for the benefit of George H. Clements, and others:

An act for the benefit of the heirs of John T. Langhorne:

An act to change the time of holding the Carter County Court—were severally read the third time.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act concerning the Meade Circuit Court, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

THURSDAY, JANUARY 10, 1839.

Mr. Beatty presented the memorial of sundry citizens of Mason and Bracken counties, praying for the repeal of all laws licensing, in any form, the retail of spirituous liquors as a beverage or common drink, and the enactment, in their stead, of a law which shall make the vending of spirituous liquors, of any description, as a drink, or giving them to evade the law, an offence of no ordinary magnitude against the Commonwealth, and punishable accordingly.

Which was received and referred to a committee of Messrs. Beatty, Wingate and Nuttall.

Ordered, That the Public Printer print 150 copies of the said memorial for the use of the General Assembly.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion—reported the same without amendment.

Ordered, That the said bills be read a third time.

A message was received from the House of Representatives, announcing that they had adopted the following resolutions, viz:

Resolved, That the House of Representatives will, on Friday the 11th instant, at 11 o'clock, A. M., receive and hear C. G. Memminger, the special commissioner, from the State of South Carolina, at the bar of the House.

Resolved, That the Senate be invited to take seats within the Hall of the House of Representatives at that time.

On the motion of Mr. Wickliffe,

Resolved, That the Senate, with their Speaker will, on to-morrow, at 11 o'clock, A. M., attend in the chamber of the House of Representatives, and then and there unite with that House in hearing the commissioner of the State of South Carolina, and accepting whatever communication, written or oral, he may be pleased to make to the Legislature of Kentucky, upon the subject of his mission.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof.

Mr. Hanson, from the committee of Finance, to whom was referred the petition of William Kouns, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Hanson, from the same committee, to whom was referred the petition of Martha Anderson, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Mr. Ford moved to amend the same by striking out the words "be rejected," and inserting in lieu thereof, "is reasonable"—when, on the motion of Mr. Willis, the said petition was recommitted to the committee of Finance, with instructions to report a bill requiring the County Court of Allen county to make provision for her support.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerks and Sheriffs of this Commonwealth, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Beatty, from the committee on Education, to whom was referred a bill authorizing a fund to be raised by lottery for the endowment of a male

and female Academy, in the town of Paducah, and for other purposes, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills of the following titles, viz:

1. A bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time:

A bill to regulate the administration and settlement of estates, reported the same with amendments to each—which were concurred in.

The said bills were referred to the committee of the whole House on the state of the Commonwealth; the former for the 16th and the latter for the 14th instant.

Mr. Murrell, from the committee on Public Offices, to whom was referred a bill from the House of Representatives, entitled, an act to preserve the original manuscript of the annual messages of the Governors of this State, reported the same without amendment.

Ordered, That the said bill be read a third time.

The following bills were reported, viz:

By Mr. Jesup, from the committee on Military Affairs—1. A bill to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky Militia.

2. A bill releasing James Squires from all liability upon his bond, executed to the Quartermaster General for arms in the year 1833.

By Mr. Wingate, from a select committee—3. A bill to reduce into one, the several acts in relation to the town of Frankfort.

By Mr. Johnston, from a select committee—4. A bill to provide for re-binding certain record books of the Shelby County Court.

By Mr. Guthrie, from the committee on the Judiciary—5. A bill to incorporate the Franklin Mining and Smelting Company.

6. A bill to amend an act, entitled, an act to establish the Louisville Chancery Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 4th bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was refer-

red a bill to make an addition to the town of Rochester, in Butler county, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Huston from the committee of Privileges and Elections, made the following report, viz:

The Committee on Privileges and Elections, to whom were referred the petitions of sundry citizens of Hardin county, charging George Roberts, their Senator, with being a non-resident of his Senatorial District, and thereby forfeiting his seat in the Senate, and that he also be expelled from the Senate for enebriation, have had said petitions under consideration, and examined witnesses relative to the charges preferred against said Roberts—all of which testimony was reduced to writing and herewith reported; and the evidence not being clearly sufficient, as a majority of the committee believe, to establish the charges, and the said Roberts not having been notified of the application to remove and expel him, as the law requires: It is therefore

Resolved, by a majority of the committee, that the committee be discharged from the further consideration of the petitions to them referred.

The question being taken on concurring in the said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Guthrie,	Morgan, J. S.
Bradshaw,	Hanson,	Murrell,
Burnett,	Huston,	Tomlinson,
Clarke,	James,	Walker, C. J.
Davidson,	Jasper,	Walker, J. V.
Dixon,	Jesup,	Wallace,
Ford,	Johnston,	Wickliffe—21.

Those who voted in the negative were—

Messrs. Barlow,	Pratt,	Willis,
De Courcy,	Watkins,	Wingate—S.
Nuttall,	Weller,	

Leave was given to bring in the following bills, viz:

On the motion of Mr. Barlow—1. A bill to make an appropriation to improve the road from Cumberland river, by the way of Albany, Clinton county, to the Tennessee line, and particularly Grider's hill, near John Grider's ferry.

On the motion of Mr. Ballinger—2. A bill to improve the downward navigation of the Great South Fork of Cumberland river.

On the motion of Mr. Ford—3. A bill to authorize the Register of the Land Office to receive and register certain platts and certificates of survey, made in Warren county in the year 1838.

The committee of Internal Improvement was directed to prepare and

bring in the 1st and 2d, and Messrs. Ford, Barlow and J. V. Walker were appointed a committee to prepare and bring in the 3d.

On the motion of Mr. Rice,

Resolved, That the committee on Internal Improvement be directed to inquire into the propriety of surveying and making an appropriation to improve the road leading from Greenupsburg, by way of Old town and Cross roads, in Carter county, and from the last named place, the most direct rout to Paintsville, in Floyd county; and of directing the Engineer, who shall survey and locate the road, to report what sum would be required to grade the same; and make it a safe and convenient earth road.

On the motion of Mr. Pitts,

Resolved, That the committee on Internal Improvement be instructed to inquire whether James R. Skiles, now a member of the Board of of Internal Improvement has been, or is now, either directly or indirectly interested in any contract for the delivery of Hydraulic lime to any of the locks on Green and Barren rivers; and whether he was not the presiding officer of the Board of Commissioners for Green river, when one of that body resigned his seat, and was suffered to take a contract, which he sold out at a profit of some thousands, without the said Commissioners having done even preparatory work towards carrying on the same. And, also, inquire whether said Skiles is not now the partner of one of the contractors, for two of the locks and dams, in business to a very considerable amount; and whether the Resident Engineer for Green river, is not, also, jointly interested with said Skiles, in investments in lands on or near Green river. And whether a steam engine has or has not been furnished to the contractor at No. 1, on Green river; by whom ordered, of whom purchased, and at what price, and report the facts as they are found to exist.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the House of Representatives, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of John Cobb, Hezekiah Willis, Perry Waters and Shepherd Burch.

An act for the benefit of Henry Clay, Jr.

An act to change the names of James Jameson and George Rook.

An act to establish the town of Pleasant Hill, in Calloway county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

An act to allow an additional Constable to the counties of Spencer and Calloway.

An act to allow an additional Constable to the county of Logan.

An act to allow an additional Justice of the Peace to the county of Clay.

An act for the benefit of the heirs and representatives of Eliza Murray, deceased.

An act for the benefit of Willie Sugg.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to establish an election precinct in the county of Allen.

An act abolishing an election precinct in Casey county.

An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

An act for the benefit of the Sheriff of Muhlenburg county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Sheriff of Calloway county.

An act to incorporate the town of Francisburg, in Union county.

An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of survey.

An act for the benefit of Mary Kimes.

An act for the benefit of Henry G. A. Blankman.

A resolution giving to the members of the Board of Internal Improvement the use of the books in the public Library.

And that they had examined bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Sheriff of Lawrence county.

An act providing that certain legacies and devises shall not lapse.

An act to continue in force an act to allow the Independent Banks of this Commonwealth, further time to collect and settle their concerns, approved January 4, 1836, and for other purposes.

An act for the benefit of the Sheriffs of Owen and Butler counties.

An act for the benefit of Matthew Reid, and the infant children of Samuel M. Smith, deceased.

The said bills and resolution being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

An engrossed bill, entitled, an act to amend the charter of the city of Maysville, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Thomas J. Paris, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act to provide a standard of weights and measures for the several counties of this State:

An act to incorporate the trustees of Rock Spring Church, were read the third time, as amended.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

FRIDAY, JANUARY 11, 1839.

Mr. Johnston presented the petition of Sarah Blaydes, guardian of the heirs of Francis Blaydes, deceased, praying for the passage of a law authorizing the sale of a slave belonging to her said wards.

Mr. Jasper presented the proceedings of a meeting of sundry citizens of Wayne county, in favor of locating a Branch of the Southwestern Railroad Bank in this State, and the establishment of a Southern Bank of Kentucky.

Which petitions were received, the reading thereof dispensed with, and referred, the first to the committee on the Judiciary, and the second to the committee on Internal Improvement.

A message was received from the House of Representatives by Mr. Trimble, announcing that the House was ready to receive the Senate as a body, pursuant to the resolution adopted by that House, inviting the Senate to take seats in the Hall of the House of Representatives, to hear the communication of the special Commissioner from South Carolina, on the subject of granting banking privileges to the stockholders of the Louisville, Cincinnati and Charleston Railroad Company. Whereupon the Senate, preceded by their Speaker, repaired to the Hall of the House of Representatives, and after hearing said communication, returned to their Chamber.

And then the Senate adjourned.

SATURDAY, JANUARY 12, 1839.

Mr. Samuel May, a member of the Senate from the 37th Senatorial District, appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of the citizens of Springfield.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended

Mr. Guthrie, from the same committee, to whom was referred a bill to amend the charter of the Shepherdsville and Louisville turnpike company, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time, as amended.

Mr. Ballinger, from the committee of Internal Improvement, moved that said committee be discharged from the further consideration of the resolution to them referred, directing an enquiry into the conduct of James R. Skiles, a member of the Board of Internal Improvement, and that the same be referred to a select committee.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ford and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Morgan, J. S.
Beatty,	Hanson,	Walker, C. J.
Clarke,	Huston,	Walker, J. V.
Davidson,	Jesup,	Watkins,
Ford,	Morgan, D.,	Wickliffe—15.

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Schooling,
Bradshaw,	May,	Wallace,
Burnett,	Pratt,	Weller,
De Courcy,	Rice,	Willis,
Dixon,	Roberts,	Young, S.—16.
James,		

The Speaker laid before the Senate the report of the acting President of the Board of Green and Barren river Commissioners, inclosing the response

of said Board to a resolution of inquiry adopted by the Senate on the 7th February, 1838, which is as follows, viz:

OFFICE OF BOARD INTERNAL IMPROVEMENT, }
January 12th, 1839. }

SIR:

Inclosed is the report of the Resident Engineer of the Green and Barren river public works, which I beg leave to submit as a response to a resolution of inquiry, which passed the house over which you preside on 7th February, 1838.

Very respectfully, yours, &c.,

JAS. R. SKILES,

President Board Green and Barren river Com'rs.

Hon. C. A. WICKLIFFE,

Speaker of the Senate.

RUMSEY, JANUARY 4, 1839.

SIR:

The following schedule will show the "contracts for cutting and deadening the timber on the banks of Green and Barren rivers," and such other streams as have, in any way, been placed under the Board of Green and Barren river Commissioners. Also, "when the contracts were let, at what place, manner, price, by whom undertaken, and when they were finished," agreeably to the resolution of the Senate of February 7th, 1838.

First—John A. and Harrison Taylor, contractors for cutting timber off the banks of Green river, from dam No. 1, to dam No. 3, a distance of about 96 miles; said timber to be cut to the top of the pools of dam No. 1 and 2, and cut up at fifty dollars per mile. Date of contract, June 14th, 1836.

Let at Rumsey. Bids had been received by the Board, at public notice, but being so high, ranging from \$200 to \$1000 per mile, they were rejected, and the above price given at private sale. The work is not yet finished—the amount estimated as done, is \$3,820

Second—John A. Taylor and James McConnell, contractors for similar work to the above, from dam No. 3, to the upper end of pool No. 4, on Green river, a distance of about 64 miles.

This work was let, December 26th, 1836, at public sale, and was given to the lowest bidders at \$75 per mile, and other extra work, at the estimate of the Engineer. The place of letting was at Bowlinggreen. The work is not yet completed, but the estimate made amounts to \$4,445.

Third—John Williams, contractor for cutting timber and snags from the mouth of Green river to dam No. 1, a distance of upwards of eight miles. The price for the work, \$35 per mile. The contract was made with Simpson Stout, Esq., acting commisssoner, at private sale—date October 18th, 1837. The work not completed.

Fourth—Wm. Brown, contractor for cutting the timber off the banks of Barren river, from mouth to Double Springs, a distance of about 30 miles.

All the timber to be cut to the top of the banks for a gross sum of \$5,500— islands, and other extra work, at the estimate of Engineer. The work was given to the lowest bidder, at the public sale at Rumsey, June 14th 1836. The work is not completed. The estimates made amount to \$4,000.

Fifth—Samuel Wallace, contractor for deadening timber above the pool of dam No. 2, to top of bank in Green river, at about \$15 per mile. This contract was made by the acting commissioner for the Board, at private sale. The contract was made last summer; the exact date I do not know.

The foregoing communication of contracts embrace all that appear to be required in the resolution, that is under the Green and Barron river commissioner's control, except the expenditure of three hundred dollars, by special act of the Legislature, upon Rough creek, as far as the back water of dam No. 2 extends up said stream. There was no contract for this work, it having been done by the day, under the direction of a superintendent.

All of which is respectfully submitted.

ALONZO LIVERMORE,
Resident Engineer.

JAMES R. SKILES, Esq.,

President of the Board of Green and Barren river Com'rs.

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Mr. Dixon moved a reconsideration of the vote by which the committee on Internal Improvement were discharged from the further consideration of the petition of the stockholders of the Kentucky Silk Manufacturing Company, praying an amendment to the charter of said company; and the question being taken thereon, it was decided in the affirmative.

Mr. Dixon then asked leave to withdraw said petition, which was granted, and the said petition was accordingly withdrawn.

Mr. Guthrie, from the committee on the Judiciary, reported the following bills, viz:

A bill the better and more effectually to protect the rights of reversionary legatees.

A bill to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24th, 1834.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with,

Ordered, That the same be engrossed and read a third time.

Mr. Beatty, from the committee on Education, reported a bill to amend an act to establish a system of Common Schools in the State of Kentucky, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with,

Ordered, That the same be recommitted to the same committee, and that the Public Printer forthwith print 150 copies for the use of the General Assembly.

Mr. Beatty, from the committee on Education, made the following report, viz :

The committee to whom was referred so much of the Governor's message as relates to Common Schools, have had that subject under consideration, and beg leave to report, that they have given to the system of Common Schools, which has heretofore been established by law, a minute and careful examination, and have prepared an amendment, which accompanies this report, calculated very much to simplify the system, and to render it more easy to carry it into effect.

In this enlightened age, it is scarcely necessary to enter into an elaborate argument to prove that a system of Education, by which suitable instruction shall be conveyed to *every child* in the community, will tend greatly to promote the interests, and to render stable and permanent the institutions of a people, living under a republican form of government.

A profound writer has said that "*fear* is the principle by which absolute monarchies are governed; *virtue* that of republics." No one can doubt the *truth* of the latter part of this aphorism, and at the time the writer lived, as little doubt existed as to the truth of the former. But such is the expansive power of the human intellect, and the difficulty of retarding the progressive improvement of the mind, that arbitrary governments have discovered, in modern times, that they can no longer rely upon the principle of *fear* or *force* to secure implicit obedience on the part of their subjects. Under this conviction, already has Prussia and some of the other German States, adopted the system of Common Schools, with a view of extending the benefits of education to all classes of their subjects. Even the Emperor of Russia, who reigns with more absolute sway than any monarch in Europe, is about to follow the example of Prussia and the German States. These powers, doubtless, hope to mould the minds of the rising generation in such fashion as to make them venerate, love and conform to the political, civil and religious institutions of the country. Education may do much to accomplish these ends; and the children of the country may be taught, perhaps, to venerate, and place an estimate upon political institutions above their intrinsic value. Yet who can doubt that a great and general benefit will result from an extensive improvement of the human intellect, throughout the entire population of great and powerful nations. *Light* will be shed abroad, and the public mind will be gradually prepared to make those reforms and improvements in government, which time and experience shall show to be necessary, without those violent convulsions and scenes of blood, which result from revolutionary movements, when the great mass of the people, in which such revolutions are attempted, have not had their minds enlightened by the advantages of even the lowest degree of common school education.

If such are the convictions of absolute monarchs, as to the necessity of a system of Common Schools, for the purpose of enlightening the minds of all their subjects, how much more strongly ought such a conviction to be riveted on the minds of the legislators of a republican government, in which all po-

litical power emanates from the people? In a government in which the people have a right to remodel, alter or change, at will, the organic law, with no other limitation upon their power, but that which they themselves have thought proper to prescribe, to prevent confusion and anarchy, whilst engaged in the process of remodeling, altering or changing the Constitution by which the people themselves, as well as all the departments of government, are bound, how important it is to impress upon the minds of the rising youth of the country, the necessity of adhering, under all circumstances, to this vital principle of republican government! If a resort to *force*, to effect a change in the organic law, be permissible, under any circumstances, a most disastrous consequence would result. A *minority*, availing themselves of a favourable state of circumstances to produce an excitement among the uninformed mass, might bring on a revolution, accompanied by scenes of horror and bloodshed, of which too many examples have been furnished since the commencement of the French revolution. The history of our own country has not been a silent monitor on this subject. South Carolina, Maryland and Pennsylvania have each, in turn, been the scene of the most alarming events.

What can furnish a more stable security to our republican institutions, than a system of Common Schools, by which a universal and enlarged system of education shall be placed within the reach of every child in the community? If these were thoroughly grounded in the first principles of our government; if their minds were enlightened upon political subjects generally, and were well grounded in moral and religious instruction, then, indeed, "*virtue*" would have that weight and influence, in sustaining our republican institutions, which Montesquieu was of opinion was *essential* to their success. If a general diffusion of knowledge will have the effect, as it undoubtedly will, of giving greater permanence and stability to our political institutions, and greater security to property and persons, then every person in the community is *interested* in the success of the Common School system; and all should contribute, in proportion to their means, towards carrying out the great and glorious system of Universal Education.

But it is not the design of the committee to enter into a discussion of this fruitful and interesting subject. Their main object was to give a short explanation of the amendment which accompanies this report, or the grounds of its necessity. The original bill, when it came to be reduced to practice, was found to be defective, in several particulars, the most material of which, arises out of the provision which directs, that "no person shall be subject to taxation, in any school district, of which he is not an inhabitant." Now it frequently happens that the same person owns land in several school districts, and, in some instances, entire districts are covered by tracts of land, owned by a resident of another district. None of this land can be subject to taxation, for Common School purposes, except that lying in the same district in which the owner resides. Hence it happens, that some school districts cannot derive a cent of revenue from land. Besides the system acts unequally. The owner of extensive tracts of land, lying in different school districts, pays tax for school purposes only on land in the district in which he resides, whilst those owning land lying altogether in one district, are obliged to pay tax upon the whole. Unless the law will bear a construction, (and the committee think it will not,) which will oblige the owner of lands, in several districts, to pay tax upon the whole, in the district in which he

resides, it is manifest he will not pay in due proportion, for school purposes, with those holding small tracts, and lying in a single district. If it will bear *that* construction, then, in many instances, one district will draw to itself all the tax on land, lying in several districts, and other districts will be left wholly without any revenue, derived from land. This will be equivalent to denying them any benefit from the Common School system. This evil might, it is true, be remedied by subjecting the land, lying in each district, to be taxed by the citizens of that district. To carry out this system, it would be necessary to provide the means, and confer the power on *each district*, of fixing upon the value of the lands, held by any individual, in every district within the county; and also to furnish the means of enforcing the collection of the tax in all those districts. Nay, more, the districts of every county in the State, (which shall have adopted the school system,) in which the same person might hold lands, would have to be invested with the same power. To do this, would require a very complicated system, and one extremely difficult to carry into execution. Besides it would be so harrassing and perplexing to the owner to attend to the valuations of his land, when cut up into ten or dozen parts—in some instances, a much greater number—and to pay the tax seperately on each, that the committee find it wholly impracticable to devise any system of that kind.

Instead of doing so, they believed it would be greatly preferable to adopt the system provided in the bill reported herewith, which is simple and easy of execution, and will do equal justice to every school district, and expose the owner of land to no other difficulty, in giving in and paying the school tax on his land, than exists in relation to the State tax, because they both depend upon the same principles; the land being listed with, and tax collected by the same officers, as collect the State tax.

The bill, reported by the committee, has made a change in another material feature of the present law. It is in relation to the manner in which the school system shall be adopted. The present system provides for the adoption of the system by districts; the bill reported herewith, provides for its adoption by counties. This change is rendered necessary by the adoption of that which has already been remarked upon. As that proposition embraces a general taxation of *all* the lands in the county, for school purposes, it would seem to follow as a necessary consequence, that the *county* should have previously adopted the system. Besides, when we attempt to execute the system, when only one or two districts in a county shall have adopted it, it becomes too disjointed and unconnected to be carried out. If a county, by a full vote, at the annual election, shall adopt the system, then a revenue from all the lands in the county, for the benefit of all the school districts in that county, begins to accrue, and will hold out strong inducements to each of the districts to organize, and thus place themselves in an attitude to receive the benefit of the tax raised from land.

The committee believe that the inducements held out to the several districts, in the counties which shall have adopted the system to organize are, so strong that they will all hasten to do so. The details of the bill have furnished all the necessary facilities to enable them to adopt the school system. The details of the bill are intended, mainly, to carry out the two principles which have been explained in this report.

The committee propose to reduce the number of school commissioners from five to three, because they believe the smaller number would be more

efficient in carrying the system into execution; and because the expense would be thereby diminished, which is an object of some importance, as the bill provides that they shall be compensated for their services, out of the county levy.

The committee deem it unnecessary to make any remarks, in explanation of the other parts of the bill, as they will be easily understood by a reference to the bill itself.

All of which is respectfully submitted by the committee.

A. BEATTY, *Chairman*,
JAMES C. WELLER,
C. J. WALKER,
E. F. NUTTALL.

On the motion of Mr. Beatty,

Ordered, That the Public Printer print 1500 copies of the said report for the use of the General Assembly.

Mr. Clarke, from the committee on the Library, to whom was referred a resolution directing the Librarian to purchase a copy of Audibon's Ornithology, reported the same with an amendment—which was concurred in.

And then the Senate adjourned.

MONDAY, JANUARY 14, 1839.

The Speaker laid before the Senate the following letter and annual report of the trustees of Cumberland Hospital, viz :

SMITHLAND, JANUARY 7, 1839.

SIR :

Inclosed I send you the annual return of the Trustees of the Cumberland Hospital, that I desire you to lay before the Senate. It will open up a subject that I have not now time to explain. The mail is now closing.

I am yours with respect,

D. W. PATTERSON.

Hon. C. A. WICKLIFFE,
Speaker of the Senate.

SMITHLAND, JANUARY 1, 1839.

Trustees of Cumberland Hospital,

To the Commonwealth of Kentucky,

To balance unappropriated at our report of the 25th of November, 1837, - - - - -

April, 1838. To balance received of Treasurer of the United States, - - - - -

Dr.

\$ 199 99

590 50

\$790 49

Dec. 1837.		Contra	Cr.	
	To cash paid William Smith,	-	-	\$50 00
	To cash paid same,	-	-	35 00
Jan. 10, 1838.	To cash paid Dr. S. M. Quertermans,	-	-	25 00
Jan. 11, 1838.	To cash paid William Smith,	-	-	25 00
4, 1838.	To cash paid T. Willis' bill,	-	-	1 00
Feb. 2, 1838.	To cash paid Willis' and Criddle's bill,	-	-	1 00
Feb. 6, 1838.	To cash paid William Smith,	-	-	50 00
	To cash paid D. W. Patterson & Co.,	-	-	3 00
Dec. 31, 1838.	To cash paid Dr. S. M. Quertermans, balance			
	for his salary for 1838,	-	-	275 00
				<hr/> 465 00
Balance due the Cumberland Hospital,				<hr/> 325 49

It will be observed, in this our report to the Legislature of Kentucky, that there is a balance due the Cumberland Hospital of \$325 49. At our annual report, dated November 25th, 1837, we appointed Dr. S. M. Quertermans Physician to the Cumberland Hospital for the year 1838. So soon as the appointment was made, Wm. Gordon and Thomas McCormick resigned their commission of trustees, and refused to act any longer, without any other known cause to us, except our making the appointment of physician contrary to their wishes.

We conceived that, in making appointments, we had the right of independently selecting those whom we believed most worthy, and would faithfully discharge their duty. And in the selection of Dr. S. M. Quertermans, the majority mutually believed their anticipations of better medical attention would be realized.

Dr. S. M. Quertermans had practised medicine in our town some number of years. He has done considerable practice in the Cumberland Hospital; and in the fall of 1832, when the cholera was committing its dreadful havoc every where, and when many of Captain Shrieve's men were sent to the Hospital, laboring under that dreadful disease, (and when the then attending physician, Dr. D. B. Sanders took to his room,) Dr. Quertermans fearlessly marched into the Cumberland Hospital, and cheerfully administered relief to the sick and dying. And the success that attended his practice, gained him a reputation as a physician that but very few Doctors arrive at in our section of the country. To prove which, two facts are sufficient. The following spring, when Captain Shrieve was returning with his boats from below, and a great many cholera cases on board, he searched out Dr. Quertermans and engaged him to go with them to Louisville. Again, in June, 1833, when the cholera visited Salem, and was so dreadfully fatal, the citizens, united in sentiment, and engaged Dr. S. M. Quertermans to visit their town and remain ten days, to which place he immediately repaired, and his success was fully equal to the anticipations of the citizens of Salem. We speak of this fact because it has been stated to us that it was represented to the Legislature, that the appointment of Physician was so unjust and unmerited, that it produced a great excitement against us in Smith-

land. We deny the charge, and reply that the appointment met the approbation of two thirds, if not three fourths of the citizens of Smithland.

We called on Thomas McCormick for a settlement of the money placed in his hands to purchase mattresses, &c. He produced a bill, purporting to have paid ten dollars apiece for mattresses which we were fully confident had not cost exceeding five dollars; and as we had appointed S. P. Gower, trustee to fill the vacancy of T. McCormick, resigned, and he was going to Louisville, we requested him to ascertain what the same sized mattresses were worth there, who stated, that after full enquiry, that they were only worth from four to five dollars. We again called on him and the answer returned to us was that we were re-organized out of office, and he would settle with another set of men.

Shortly afterwards, we seen that an act had passed the Legislature, changing the mode of appointing trustees to the Cumberland Hospital, and it was stated that so and so had been appointed. But we seen nothing positive of any appointments, and when our Senator, Mr. Weller returned from the Legislature, and was asked by S. P. Gower on that subject, his answer was, he did not know whether any appointments had been made or not. We not knowing how to act, and as there was little to do, we thought it prudent to continue as though no Legislative act had passed. But, as we believe, some time in May, without any notice given to us, Wm. Gordon, Thomas McCormick and Benj. Barner, and probably others, went to the Hospital and told the physician or keeper, that they were trustees of the Hospital, directing the keeper to go and receive the mattresses spoken of, and to call in Dr. Sanders as physician.

We made no inquiry just then, but presumed they were fully authorized to do so, as we had not seen the act in full. Some months after, they, the assumed trustees, sent the keeper, requesting us to send the books, papers and money in our hands. We returned for answer, for them to show us that they were trustees, and we were ready to settle with them.

Some time this fall, when the acts of Assembly came out, and we read the act, we seen they were not trustees, they not having entered into bond and security, as required by law, before they entered on the discharge of their duties. And as they have not yet entered into bond and security, as required by the act, dated the 16th of January, 1838, and the time having arrived, we deem it proper to make this, our report to you, and hold the balance subject to your further orders, in compliance with our bond, on file in the Clerk's office of Livingston county. We would have been fully satisfied with the above mentioned act, had it been passed under any other circumstances, than from the single reason that we had independence enough to cast our vote in favor of those whom we believed most worthy of our support. We only say we have faithfully discharged our duties as trustees. We have done it without fee or reward. We were displaced by special act of Assembly, (if displaced at all,) to give place to other men who would support Dr. Sanders for physician; and therefore we cannot ask you to recommend us to the Governor for nomination; but do think when we was legislated upon, that the crimes we had committed, should have been made known to us. We cannot believe that the object of that act was fully known to the Legislature, and it being merely local, was passed by them. Believing in the manner of appointment, as provided for in that act, and if com-

plied with by those appointed and appointments made annually, we believe to be an excellent law.

All of which is respectfully submitted to you.

D. W. PATTERSON,	} Trustees.
JAMES McCRAWLEY,	
S. P. GOWER,	

Ordered, That the said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. James presented the petition of George Dunn, jailer of McCracken county, praying for the passage of a law increasing his pay for keeping in jail runaway slaves.

2. Mr. Pratt presented the petition of Sarah Hays, the widow of Aaron A. Hays, praying for the passage of a law authorizing the sale of a house and lot in the village of Germany, in Jessamine county, of which said Aaron died seized, and that the proceeds be vested more advantageously to the interest of his heirs.

3. Mr. Rice presented the petition of James Evans, praying for an appropriation to support his daughter, who is a lunatic.

4. Mr. Burnett presented the petition of James H. Curling, guardian of his son, John C. Curling, praying for the passage of a law authorizing a sale of a small tract of land in Logan county, which descended to the said John C. Curling from his deceased mother.

5. Mr. Wingate presented the petition of H. H. Ford, administrator of the estate of William L. More, praying for the passage of a law authorizing a sale and conveyance of a tract of land of which said Moore died seized, for the purpose of paying his debts.

6. Mr. Beatty presented the memorial of sundry citizens of Maysville, praying for the repeal of all laws for licensing the retailing of spirituous liquors, and the passage of a law prohibiting the traffic in alcoholic liquors.

7. Mr. Guthrie presented the petition of the stockholders of the Merchant's Insurance Company, praying for a modification of their charter.

Which petitions and memorial were received and referred; the 1st to the committee of Propositions and Grievances; the 2d, 4th, 5th and 7th to the committee on the Judiciary; the 3d to the committee of Finance, and the 6th to a committee of Messrs. Beatty, Wingate and Nuttall.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act allowing an additional Justice of the Peace to Oldham county.

The Senate resumed the consideration of the resolution directing the Librarian to purchase Audibon's Ornithology, which was further amended.

Mr. Dixon moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Murrell,
Bradshaw,	James,	Tomlinson,
Burnett,	Jasper,	Weller,
De Courcy,	May,	Willis—14.
Dixon,	Morgan, J. S.	

Those who voted in the negative were—

Messrs. Ballinger,	Jesup,	Walker, J. V.
Beatty,	Nuttall,	Wallace,
Clarke,	Pratt,	Watkins,
Davidson,	Rice,	Wickliffe,
Ford,	Schooling,	Wingate—17.
Guthrie,	Walker, C. J.	

On the motion of Mr. Wickliffe, the said resolution was placed in the orders of the day.

Mr. Guthrie, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary have had under consideration the leave to them referred to bring in a bill to make it the duty of the emancipator of slaves, to provide means for their transportation to some colony on the shores of Africa.

By the 1st section of the 7th article of the Constitution of Kentucky, it is declared that "the General Assembly shall pass laws to permit the owners of slaves to emancipate them, saving the right of creditors and preventing them from becoming a charge to any county in the Commonwealth."

The Legislature passed an act, approved the 17th of December, 1794, in accordance with the said provision of the Constitution, and re-enacted the same act by a law approved February 8th, 1798, to be found in the first volume of Morehead and Brown's Digest, page 608, title, emancipation of slaves.

The power of the owners of slaves to emancipate them, is secured by the constitution, and the right has only two limitations: 1st, that it shall not be done to the prejudice of creditors; 2d, that the counties may be secured against becoming chargeable for their support. The leave referred suggests a third limitation—that the owners shall provide the means, and the slaves emancipated shall be transported to Africa. This would burden the power secured by the Constitution with a heavy money contribution, and with the absolute necessity of forcing the slave from his country, his family and his friends. The committee are of opinion that no such additional burden can be imposed on the owner, and no such additional restriction on the power, and that the laws already passed and in force on the subject of eman-

cipation, are full and complete, and therefore ask to be discharged from the further consideration of the leave.

Which report was concurred in.

Mr. Nuttall moved that the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

TUESDAY, JANUARY 15, 1839.

1. Mr. James presented the petition of the trustees and citizens of the town of Paducah, praying for an amendment of the charter of said town.

2. Mr. Pratt presented the petition of Robert C. Rankin, praying for the passage of a law permitting him to vend spirituous liquors by retail, without being required to comply with the law regulating public taverns.

3. Mr. Wallace presented the petition of sundry citizens of Pendleton county, praying that a part of said county may be added to the county of Grant.

Which were received, and the 1st and 2d referred to the committee on the Judiciary, and the 3d to the committee on Propositions and Grievances.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled an act for the benefit of the trustees of the jury fund of this Commonwealth, with amendments—which were twice read and concurred in.

That they had passed bills from the Senate of the following titles, viz:

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies:

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior court, and executions to issue in certain cases, with an amendment to the latter bill—which was concurred in.

And that they had passed bills of the following titles, viz:

An act authorizing the appointment of a county Treasurer for Pendleton county.

An act to amend an act, entitled, an act to amend the law in relation to divorces.

An act for the benefit of Joseph R. Perkins and Mary P., his wife.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were referred to the committee on the Judiciary, and the 2d to the committee of Propositions and Grievances.

Mr. Wickliffe moved a reconsideration of the vote concurring in the report from the committee on the Judiciary made yesterday, on the leave to bring in a bill to make it the duty of the emancipator of slaves to provide means for their transportation to some colony on the shores of Africa.

The question being taken thereon, it was decided in the affirmative.

Mr. Guthrie moved to recommit the said report to the committee on the Judiciary.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Schooling,
Barlow,	James,	Tomlinson,
Beatty,	Jasper,	Walker, C. J.
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	May,	Wallace,
Clarke,	Morgan, D.	Watkins,
Davidson,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Wickliffe,
Dixon,	Pitts,	Wingate,
Ford,	Rice,	Young, S.—31.
Guthrie,		

Those who voted in the negative were—

Messrs. Nuttall,	Pratt,	Willis—3.
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Two messages, in writing, were received from the Governor by Mr. Bullock, Secretary of State; and a message announcing that the Governor had proved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to change the January term of the General Court.

Approved January 4, 1839.

An act for the benefit of Lucy Jacobs.

An act for the benefit of William Butler, Clerk of the Monroe County Court.

Approved January 5, 1839.

Engrossed bills of the following titles, were severally read the third time, viz:

An act to make an addition to the town of Rochester, in Butler county.

An act authorizing a fund to be raised by lottery for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

An act to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky militia.

An act releasing James Squires from all liability upon his bond, executed to the Quartermaster General for arms in the year 1833.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes.

An act to incorporate the Frankling Mining and Smelting Company.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act to amend the charter of the Shepherdsville and Louisville turnpike company.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the third time, viz:

An act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion.

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act to preserve the original manuscript of the annual messages of the Governors of this State.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to abolish certain streets, and parts of streets, in the town of Clinton, in Trigg county, was read a third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of the citizens of Springfield:

An act allowing an additional Justice of the Peace to Oldham county, were read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the first was referred to the committee of Internal Improvement, and the second to the committee of Propositions and Grievances.

The resolutions directing the Librarian to purchase Audibon's Ornithology, was taken up and is as follows, viz:

Resolved by the Legislature of Kentucky, That the Librarian be, and he is hereby, instructed to purchase, for the use of the State, a copy of Audibon's Birds of America, and Audibon's Ornithological Biography. Also to erect a case for its keeping in the Library room, to be paid for out of the annual appropriation to the Library.

The question being taken on the adoption of the said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Jesup,	Pratt,
Clarke,	Nuttall,	Wickliffe—7.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	Huston,	Walker, C. J.
Barlow,	James,	Walker, J. V.
Bradshaw,	Jasper,	Wallace,
Burnett,	May,	Watkins,
Davidson,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Willis,
Dixon,	Pitts,	Wingate,
Ford,	Schooling,	Young, S.—24.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of the petition of the Board of Internal Improvement of Anderson county, and the said petition was laid on the table.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jeremiah Smith, of Clay county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Ballinger, from the same committee, to whom was referred a bill, entitled, an act to amend the charter of the Lexington and Georgetown turnpike road company, and the amendment of the House of Representatives thereto, reported the same with the opinion of the committee that the said amendment be concurred in.

The question being taken, the amendment was disagreed to, and Messrs. Ballinger, Pratt and Wickliffe were appointed a committee of conference thereon, on the part of the Senate.

Ordered, That Mr. Ballinger inform the House of Representatives thereof, and request the appointment of a committee on their part.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of providing, by law, for a survey of the road from Thomas Parker's, in Lewis county, by way of Flemingsburg and Carlisle, to a point on the Maysville and Lexington turnpike road, between Samuel Arnetts and E. Morton's; and for an estimate of the cost of making said road on the plan of the Virginia road from the mouth of Big Sandy to Richmond, Virginia.

On the motion of Mr. Ballinger,

Resolved, That the committee on Privileges and Elections inquire into the expediency of repealing so much of the law to prevent treating and bribing at elections, as disqualifies the person receiving any treat, from being a competent witness.

Leave was given to bring in the following bills, viz:

On the motion of Mr. J. S. Morgan—1. A bill to incorporate the Blue Lick Hotel and Water Company.

On the motion of Mr. Willis—2. A bill for the relief of William Spratt, and others.

On the motion of Mr. Huston—3. A bill for the benefit of the Spencer county Seminary.

On the motion of Mr. C. J. Walker—4. A bill to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

On the motion of Mr. Schooling—5. A bill to authorize the Board of Internal Improvement to have a road constructed from where the bridge is constructing across the Rolling Fork of Salt river, to intersect the old Lexington road.

6. A bill to amend an act, entitled, an act to incorporate the Lebanon and Marion turnpike road company, approved February 17th, 1836.

Messrs. J. S. Morgan, Beatty and Pratt were appointed a committee to prepare and bring in the 1st; Messrs. Huston, Johnston and Rice the 3d; Messrs. J. C. Walker, Ballinger and Rice the 4th; the committee on Military Affairs was directed to prepare and bring in the 2d, and the committee on Internal Improvement the 5th and 6th.

And then the Senate adjourned.

WEDNESDAY, JANUARY 16, 1839.

1. Mr. James presented the petition of the trustees and citizens of the town of Paducah, praying that the law establishing a ferry at said town may be amended.

2. Mr. Beatty presented the memorial of sundry citizens of Mason county, praying for the repeal of all laws for licensing the retail of spirituous liquors, and for the passage of a law prohibiting the traffic in alcoholic liquors, except so far as the arts or the practice of medicine may be concerned.

Which were received and referred, the former to the committee of Propositions and Grievances, and the latter to the committee of Messrs. Beatty, Wingate and Nuttall.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriffs of Jefferson, Nicholas, Monroe, Barren and Clarke counties.

Approved January 4, 1839.

An act to incorporate the Hopkinsville Female Academy.

An act to allow an additional Justice of the Peace and Constables to certain counties.

An act for the benefit of James L. Todd, a lunatic.

An act to legalize the proceedings of the 74th Regiment of Kentucky Militia, and for other purposes.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act to amend the charter of the city of Maysville.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act for the benefit of William Gross.

An act for the benefit of Margaret Holtzclaw.

An act to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick.

An act for the benefit of Anne Dix and Elizabeth Maria Dix.

Approved January 5, 1839.

An act for the benefit of the Sheriff of Shelby county.

An act for the benefit of Nancy L. McCulloch.

An act allowing an additional Justice of the Peace to Butler county.

An act for the benefit of the Clerks of this Commonwealth.

An act for the benefit of the heirs and representatives of Thomas Jasper, deceased.

An act for the benefit of the infant heirs of Henry Crittenden, deceased.

An act for the benefit of George Knox.

An act to run and mark the line dividing the counties of Knox and Whiteley.

An act to change the place of voting in the Sugartree Run precinct, in Breckinridge county.

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act for the benefit of William Kerchival.

An act for the benefit of James Henson and George W. McLeod.

An act to change the place of voting in the Floydsburg precinct, in Oldham county.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 17, 1818.

An act for the benefit of Thomas Hite.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of the Clerk of the Washington County Court.

An act for the benefit of James M. Hanson.

An act to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

An act to incorporate the Louisa Literary Society.

Approved January 7, 1839.

And also that they had passed bills of the following titles, viz:

An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin and Thomas J. Gough, Justices of the Peace.

An act to change the place of voting in an election precinct in Cumberland county.

An act to change the name of Jane Wright to that of Jane Dodd.

An act to provide for running the line between Marion and Washington counties.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petitions of Sarah Hays, James Burling, H. H. Ford and Robert C. Rankin, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the citizens of Springfield:

An act for the benefit of the estate of Edmund Hall, deceased, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the first bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the duty of preparing and bringing in a bill more effectually to prescribe the mode by which damages may be ascertained, which have or may be done to private property, by the erecting of dams for the slackwatering of the different water courses in this State, and from the further consideration of the resolution to inquire into the propriety of providing more effectually by law, against the use of the public grounds for pasture, &c., and erecting secure and proper buildings for the public offices.

The Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, January 16th, 1839. }

SIR:

The proceedings of the annual meeting of the Madison county Agricultural Society, have been forwarded to me, with a request that I should communicate the same to the Legislature. I have also been desired, by Major General E. P. Gaines, to submit to the Legislature his views in relation to "a system of railroads, to lead from the central and western States of the Union, to the six grand divisions of the national frontier," together with a diagram thereof. Allow me, therefore, in compliance with the several requests, through you, to lay the accompanying documents before the Senate.

JAS. CLARK.

Hon. C. A. WICKLIFFE,
Speaker of the Senate.

Ordered, That the said communication, with the accompanying documents, be referred to the committee of Internal Improvement.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, January 16th, 1839. }

SIR:

Permit me, through you, to lay before the Senate such statements as have been transmitted to this office, of the condition of the Bank of Kentucky, the Northern Bank of Kentucky, the Bank of Louisville, the Mechanics' Savings Institution of Louisville and the Louisville Savings Institution.

J. M. BULLOCK, *Secretary of State.*

Hon. C. A. WICKLIFFE,
Speaker of the Senate.

Ordered, That the said communication and the accompanying documents, be referred to the committee on Banks.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend an act dispensing with quarterly and substituting monthly statements, and providing for monthly ballance sheets, to be lodged with the Secretary of State, by the Banks of the Commonwealth.

2. A bill for the benefit of Harmon Hurst.

By Mr. Beatty, from the committee on Education—3. A bill to incorporate the Mount Vernon Academy, in Christian county.

By Mr. Ford, from a select committee—4. A bill to authorize the Register of the Land Office to register certain plats and certificates of survey, made in Wayne county in 1838.

By Mr. J. S. Morgan, from a select committee—5. A bill to incorporate the Blue Lick Hotel and Water Company.

By Mr. Willis, from a select committee—6. A bill to appoint trustees for the town of Summerville.

By Mr. C. J. Walker, from a select committee—7. A bill to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

By Mr. Huston, from a select committee—8. A bill for the benefit of the Spencer county Surveyor.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, 3d, 4th, 6th and 8th were ordered to be engrossed and read a third time, and the 5th and 7th were referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Nuttall—1. A bill to amend the law concerning bail in civil actions.

On the motion of Mr. Willis—2. A bill to amend the laws in relation to ferries.

On the motion of Mr. May—3. A bill to improve the downward navigation of the Big Sandy river, from Pikeville to its mouth.

On the motion of Mr. Weller—4—A bill to incorporate the Princeton and Ohio turnpike road company.

On the motion of Mr. Pitts—5. A bill for the benefit of Wm. E. Dixon.

On the motion of Mr. Barlow—6. A bill to provide for building a bridge across Big Rennicks, near the mouth of Little Rennicks, in Cumberland county.

On the motion of Mr. Guthrie—7. A bill to incorporate the Louisville Coal Company.

On the motion of Mr. Schooling—8. A bill for the benefit of the Sheriff of Washington county, and for other purposes.

On the motion of Mr. Rice—9. A bill to incorporate the town of Louisa.

On the motion of Mr. Bradshaw—10. A bill for the benefit of Cassander Miller.

The committee on the Judiciary was directed to prepare and bring in the 1st and 7th; the committee of Propositions and Grievances the 2d, 5th and 10th; the committee of Internal Improvement the 3d, 4th and 6th; the committee of Finance the 8th, and Messrs. Rice, Huston and C. J. Walker were appointed a committee to prepare and bring in the 9th.

On the motion of Mr. Rice, leave was given to withdraw the petition of William Kouns.

A message, in writing, received from the Governor on yesterday, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, 15th January, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons, to be commissioned for the offices annexed to their names, to-wit:

Richard P. Robinson, to be Colonel in the 56th Regiment, in place of John Bowling, resigned.

Henry Davis, to be Lieutenant Colonel of the 56th Regiment, in place of John Sword, resigned.

John Clay, to be Major in the 56 Regiment, in place of Richard P. Robinson, if promoted.

John W. Watkins, to be Colonel of the 84th Regiment, in place of John H. Mims, resigned.

Lewis G. Beck, to be Major of the 84th Regiment, in place of John H. Watkins, resigned.

William Henry, to be Colonel of the 115th Regiment, in place of Jacob Morton, removed.

John Power, to be Lieutenant Colonel in the 115th Regiment, in place of William Henry, if promoted.

John McGuire, to be Major of the 115th Regiment, in place of Thomas Easterling, refused to accept.

Robert M. Davis, to be Colonel of the 43d Regiment, in place of John Davenport, resigned.

Thomas Pitman, to be Lieutenant Colonel of the 43d Regiment, in place of Robert M. Davis, if promoted.

James A. Fisher, to be Major of the 43d Regiment, in place of Thomas Pitman, if promoted.

Henry B. Drake, to be Major of the 77th Regiment, in place of W. W. Jacobs, promoted.

Richard Huff, to be Lieutenant Colonel of the 82dd Regiment, in place of George S. Waugh, deceased.

James Mullins, to be Major of the 82d Regiment, in place of Richard Huff, if promoted.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, received from the Governor on yesterday, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, January 15th, 1839. }

Gentlemen of the Senate:

I nominate for your advise and consent, the following persons to be commissioned for the offices annexed to their names, to-wit:

Joseph W. Wiltberger, to be Sheriff of the county of Hart.

Benjamin Straughn, to be Sheriff of the county of Estill.

Randolph W. Alcom, to be Sheriff of the county of Livingston.

The County Courts of the said counties of Hart, Estill and Livingston, having failed to recommend agreeably to the Constitution.

Stephen W. D. Stone, to be Notary Public in the county of Hardin, in place of Daniel R. Haycraft, resigned.

Charles B. Williams, to be Mayor of the city of Maysville.

John Brown, to be Sheriff of the county of Owen.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Ballinger in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Ballinger reported that the committee had, according to order, had under consideration a bill establishing the office of Comptroller of the Treasury, and for other purposes, and had made some progress therein; but not having time to go through the same, had directed him to ask leave to sit again—which leave was granted.

And then the Senate adjourned.

THURSDAY, JANUARY 17, 1839.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act authorizing the appointment of a county Treasurer for Pendleton county:
2. An act to authorize the trustees of Paris to sell a certain lot and street therein:
3. An act for the benefit of Joseph R. Perkins and Mary P., his wife:
4. An act for the benefit of Nancy Collins—reported the same without amendment

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 1st, 2d and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Willis, the committee of Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Oldham county, praying that the county seat of said county may be established in the town of Westport.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend an act, entitled, an act for the benefit of William Butler, Clerk of the Monroe County Court, approved 5th January, 1839.

And that they had passed bills of the following titles, viz:

An act for the benefit of Elias Dobson.

An act to establish the town of Frederick, in Barren county.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the duty of preparing and bringing in a bill to branch the Bardstown and Green river turnpike road, and join it with the Louisville turnpike road.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill to amend the charter of the Logan, Todd and Christian turnpike road company, reported the same with the opinion of the committee that it ought not to pass.

The said bill was referred to the committee on the Judiciary.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act authorizing Thomas Bratcher to build a mill dam across Caney creek, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the heirs of Francis Blaydes, deceased.

2. A bill to amend an act incorporating the Stockholders of the Merchants' Louisville Insurance Company.

By Mr. Willis, from the committee of Propositions and Grievances—3. A bill for the relief of William E. Dixon.

4. A bill for the benefit of Mason W. Sherrill.

By Mr. Ballinger, from the committee of Internal Improvement—5. A bill for the benefit of the Lexington and Ohio Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d and 4th were ordered to be engrossed and read a third time, the 3d was referred to the committee on the Judiciary, and the 5th to the committee of the whole House on the state of the Commonwealth, and made the order of the day for Tuesday next.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the further consideration of the resolution to enquire into the expediency of repealing so much of an act authorizing the Governor to provide for the collecting together and safe keeping of the public arms, as gives him discretionary power to distribute said arms and accoutrements among the different volunteer companies or troops of the militia of this State.

Mr. Jesup moved that the committee on Military Affairs be discharged from the further consideration of a resolution instructing them to inquire into the expediency of so amending the militia law as to exempt those that have guns from carrying them to muster.

The question being taken thereon, it was decided in the negative.

On the motion of Mr. Beatty, the committee on Military Affairs was instructed to report a bill repealing the penalty for mustering without arms.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Schooling—1. A bill to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved Feb. 16th, 1838.

On the motion of Mr. Wickliffe—2. A bill to authorize the city of Lexington to borrow money for certain purposes.

On the motion of Mr. Barlow—3. A bill to provide for the improvement

of the stage road from Glasgow, in Barren county, to the Tennessee line, by the way of Tompkinsville, in Monroe county.

On the motion of Mr. Dixon—4. A bill to establish the Dental College of Surgeons of Kentucky.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee of Internal Improvement the 3d; the committee on Education the 4th, and Messrs. Wickliffe, Johnston and May were appointed a committee to prepare and bring in the 2d.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Ballinger in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Ballinger reported that the committee had, according to order, had under consideration a bill establishing the office of Comptroller of the Treasury, and for other purposes, and had made further progress therein, but not having time to go through the same, had directed him to ask leave to sit again—which leave was granted.

The Speaker laid before the Senate the following letter and report of the Auditor of Public Accounts.

[*For this Report—see Appendix.*]

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

FRIDAY, JANUARY 18, 1839.

1. Mr. Weller presented the petition of John Weeks, late Sheriff of Caldwell county, praying for the passage of a law permitting him to collect and distrain for the taxes yet due and uncollected by him as Sheriff of said county.

2. Also the petition of sundry citizens of Caldwell county against the passage of a law giving further time to return plats and certificates of survey of head-right claims, and praying for the passage of a law to confirm the recent patented claims of actual settlers.

3. Mr. Jasper presented the petition of Hannah Sayers, and others, praying for the passage of a law requiring the County Court of Pulaski county

to make an allowance for the support of her mother, Tabitha Hicks, a poor person, without requiring her to go to the poor house of said county.

4. Mr. Beatty presented the petition of sundry citizens of Mason county, praying that the salary of Walker Reid may be the same as received by other Circuit Judges.

5. Mr. Murrel presented the petition of sundry citizens of Barren county, praying that an additional Justice of the Peace may be allowed to said county.

6. Mr. Weller presented a communication from William Gordon in relation to the affairs of Cumberland Hospital.

Which were received and referred; the 1st, 2d, 3d and 5th to the committee of Propositions and Grievances; the 4th to the committee on the Judiciary, and the 6th to the committee on Finance.

On the motion of Mr. Weller,

Resolved, That the committee on Finance be instructed to inquire into the affairs of the Cumberland Hospital, and report by bill or otherwise, and that they be authorized to send for persons and papers if necessary.

The committee on Education was discharged from the further consideration of the annual report of the trustees of the Cumberland Hospital, and the said report was referred to the committee of Finance.

The Speaker laid before the Senate the fourteenth annual report of the President and Directors of the Louisville and Portland Canal Company, which is as follows, viz:

Fourteenth annual report of the President and Directors of the Louisville and Portland Canal Company.

The Board present to the stockholders of the corporation a statement of the affairs of the company, and of their proceedings for the past year.

The expenditure in 1837, towards the completion of the canal, was 5,942 05, and fifty shares of stock were sold in January last for \$6,050 to meet the same. In the past year the amount expended on the same account, has been \$20,846 30; to replace which two hundred shares of stock have been sold in Philadelphia for \$26,000, which will leave a balance of 5,361 65, to be appropriated towards the permanent improvements now in progress. The number of shares is now 9,783, equal to \$978,300.

The general account of the Company for the year 1838, is as follows:

	Dr.
To balance as per last report, - - - - -	\$60,284 44
Received for 50 shares of stock sold, - - - - -	6,050 00
Received for canal tolls, - - - - -	121,107 16
Received for rents, and other incidental receipts, - -	678 38
Received for 200 shares of stock sold, - - - - -	26,000 00
	<hr/>
	\$214,119 98
	<hr/>

	Cr.
By dividends No. 9, paid in January, - - - -	\$66,731 00
By dividend No. 10, paid in July, - - - -	57,498 00
Paid on account of superintendence and labor on locks,	9,534 74
Paid on account of repairs and alterations, - - -	6,508 23
Paid on account of lighting and watching, - - -	1,073 57
Paid on account of completing canal, including a purchase of land at Shippingport, &c., - - - -	20,846 30
Paid on incidental office expenses and salaries, - - -	1,734 55
Paid balance in the Treasury, including amount received in Philadelphia for 200 shares of stock, - - - -	50,193 59
	<hr/> <hr/>
	\$214,119 98

The above balance will enable the Company to make a final dividend of five per centum. which, with the partial dividend of six per cent. paid in July, will make eleven per cent. for the year.

The unprecedented continuance of low water in the Ohio, at the season of the most profitable operations on the canal., has lessened the receipts in the last quarter of the year, in the sum of from 25,000 to \$30,000 of what might have been reasonably anticipated, and that instead of five per cent. a dividend of eight per cent. would, in the ordinary state of the river, have been made.

The improvements towards the completion of the canal during the past year, have progressed with much more rapidity than in any former year; the long continuance of low water, and the consequent necessity of taking advantage of this circumstance in expeditiously laying the foundation for the walls in such parts of the canal where the solid rock is generally under water; this part has been accomplished, with the exception of about 100 yards yet to be laid, on which a strong force is still employed.

The wall is now completed from the foot of 11th street down the canal to within 300 yards of the locks, and as low as it is proposed to erect it on the southern side.

The northern bank of the canal has been much relieved by the removal of immense quantities of loose stone, which were constantly falling in and obstructing the navigation. The foundation of a vertical wall has been laid, and partially finished, from the extreme head of the canal for about one half the distance to the stone bridge, and for upwards of 500 yards in detached parts below that point.

The building of the wall is but of moderate cost, but to clear away the earth and rock from the sides of the canal of a sufficient width to commence the foundation, so as to maintain a uniform width in the canal of 65 feet, constitutes the principal expense of this important improvement. The width of 65 feet has been assumed in anticipation of hereafter constructing an additional set of locks of increased dimensions. The whole extend of wall intended to be built can readily be finished in two years.

During the past low water season, the birm rock or projecting foundation on which the walls are erected, has been wedged and blasted off down to extreme low water, from the head of the canal, on the southern side, to within about 200 yards of the stone bridge, and in many of the worst places

below that point. This work is of much importance, as it widens and straightens the canal at the base of the walls, and preserves the wheels of steamboats from injury. Experience proves that at least three-fourths of this birm can be wedged off and removed without impeding the navigation of the canal.

A pair of new gates have been made and put up at the upper lift lock. The head of the canal has been widened 25 feet, and the side wharfed with logs, there being no foundation for a wall; this job has been attended with considerable expense, the bank being formed of a mass of trees and loose deposit; it has however been accomplished, and adds greatly to the appearance of this part of the canal, and to the safety and facility of boats entering or departing from the same.

Respectfully submitted,

JAMES MARSHALL, *Peresident.*

SIMEON S. GOODWIN, *Secretary.*

*Office of the Louisville and Portland Canal Campany, }
December 31st, 1838.*

Abstract of the boats that have passed, and tolls received on the Louisville and Portland Canal.

Years.	Steamboats.	Flat and Keelboats.	Tons.	Amount received.
1831	406	421	76,323	\$12,750 77
1832	453	179	70,109	25,756 12
1833	875	710	169,885	60,736 92
1834	938	623	162,000	61,848 17
1835	1,256	355	200,413	80,165 24
1836	1,182	260	182,220	88,343 23
1837	1,501	165	242,374	145,424 69
1838	1,058	438	201,750	121,107 16
	<u>7,669</u>	<u>3,151</u>	<u>1,305,074</u>	<u>\$596,132 30</u>

At a meeting of the stockholders of the Louisville and Portland Canal Company, at their office in the city of Louisville, January 7, 1839, the report of the President and Directors was received and ordered to be printed.

The following persons were then duly elected President and Directors for the present year:

JAMES MARSHALL, *President*,
SIMEON S. GOODWIN,
JOHN HULM,
JAMES RONALDSON,
ELIHU CHAUNCEY, } *Direct'rs.*

Resolved, That the Board of President and Directors be directed to make and pay out to the stockholders a final dividind of five dollars per share for

the last six months, on the whole number of shares standing on the books of the Company, Dec. 31st, 1838, to be paid to the persons in whose names the stock stood on that day, making the dividend for the year eleven per cent.

W. G. BAKEWELL, *Chairman*.

[Extract from the Minutes.]

S. S. GOODWIN, *Secretary*.

Ordered, That the said report be referred to the committee of Finance.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the law in relation to divorces, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Willis, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to Oldham county, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended

Mr. Willis, from the same committee, to whom was referred the petition of George Dunn, jailer of McCracken county, and the petition of the Justices of the Peace of the county of Nicholas, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Samuel Ingram, late Sheriff of Marion county, and that they had passed a bill, entitled, an act for the benefit of Charles S. Gatewood, and others.

Mr. Guthrie, from the committee on the Judiciary, reported a bill to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved February 16th, 1838.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed, and read a third time.

Mr. Ballinger moved that the committee of Internal Improvement be discharged from the further consideration of the resolutions, moved by Mr. Wickliffe on the second instant, in relation to certain acts of the Richmond and Lexington turnpike road company—which motion was discussed for some time.

And then the Senate adjourned.

SATURDAY, JANUARY 19, 1839.

Mr. Aquilla Young, a member of the Senate from the counties of Montgomery and Bath, appeared and took his seat.

The Speaker laid before the Senate the following report of the Board of Internal Improvement, viz :

JANUARY, 9, 1839.

The Board of Internal Improvement, in answer to the resolution of the Senate of the 5th instant, would respectfully report :

That at their meeting on the 1st Monday in December last, the propriety of making some diminution in the number of the Engineers, and a reduction of the salaries, was presented to the consideration of the Board, and has since been occasionally discussed. The Board were at no loss to conclude, if the General Assembly, at its present session, required no further surveys to be made, that a just regard to economy would make it expedient and proper, that the corps should be lessened in number; and as some of the public works have been finished, and others approximate completion, that the salaries of some of the Engineers, now engaged in the service, could be reduced. But for reasons which the Board are satisfied will be apparent to the Senate, they did not deem it compatible with the public interest, to undertake the business of reduction at the commencement of the session, and postponed, for the present, their final action on the subject. It is the purpose of the Board, if the Legislature should not enlarge the sphere of their operations in the field during the ensuing season, to dispense with the services of such of the corps as are not essential to the vigorous and successful prosecution of the several public works, and also make such reductions in the amount of the salaries, as, in their judgment, will be consistent with the interests of the State. The Board believe that a considerable reduction may be safely made.

The Board would take occasion to remark, that they have the utmost confidence in the skill and good conduct of the Engineers now in their employment, and would esteem it a public misfortune to be deprived of the services of the principal Engineer and several of the assistants.

Which is respectfully submitted.

J. T. MOREHEAD.

Hon. C. A. WICKLIFFE,
Speaker of the Senate.

Ordered, That the said report be referred to the committee of Internal Improvement.

Mr. James presented the petition of the trustees and citizens of the town of Columbus, praying for an amendment of the laws concerning the said town, which was received and referred to the committee of Propositions and Grievances.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act for the benefit of the Sheriffs of Estill and Pendleton counties.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion.

An act authorizing the trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

An act to reduce the bounds of the town of Brownsborough.

An act to amend an act to establish a ferry across the Ohio river at Paducah.

An act supplementary to an act, approved the 12th of February, 1838, for the benefit of Isaac Young.

An act for the benefit of George O. Stovall.

An act for the benefit of John W. Flora.

An act concerning the Meade Circuit Court.

An act for the benefit of Thomas J. Paris.

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act for the benefit of the trustees of the jury fund in this Commonwealth, and for other purposes.

An act to preserve the original manuscript of the annual messages of the Governors of this State.

An act to authorize the trustees of Paris to sell a certain lot and street therein

An act for the benefit of Joseph R. Perkins and Mary P., his wife.

An act for the benefit of the citizens of Springfield.

An act authorizing the appointment of a county Treasurer for Pendleton county.

An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

And enrolled bills which originated in the Senate of the following titles, viz:

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior court, and executions to issue in certain cases.

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

An act to amend an act, entitled, an act for the benefit of William Butler, Clerk of the Monroe County Court, approved 5th January, 1839.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Rice, from the committee appointed for that purpose, reported a bill to incorporate the town of Louisa, in Lawrence county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee on the Judiciary.

The Senate resumed the consideration of the motion of Mr. Ballinger to discharge the committee of Internal Improvement from the further consideration of the resolutions, moved by Mr. Wickliffe on the second instant, in relation to certain acts of the Richmond and Lexington turnpike road company.

The question being taken on discharging the said committee, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Walker, C. J.
Barlow,	Hanson,	Walker, J. V.
Beatty,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Watkins,
Clarke,	Pratt,	Weller,
Davidson,	Rice,	Wingate—19.
Dixon,		

Those who voted in the negative were—

Messrs. De Courcy,	Jesup,	Wickliffe,
Ford,	Johnston,	Willis,
Huston,	Pitts,	Young, A.
Jasper,	Tomlinson,	Young, S.—12.

On the motion of Mr. Wickliffe, the said resolutions were referred to the committee on the Judiciary.

And then the Senate adjourned.

MONDAY, JANUARY 21, 1839.

A message was received from the House of Representatives, announcing the passage of bills from the Senate of the following titles, viz:

An act giving to officers, and crews, and mechanics, and others, a lien on steamboats.

■ An act to authorize the Clerk of Trigg county to record certain deeds.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act for the benefit of Robert and Jane Middleton.

An act for the benefit of the heirs of John T. Langhorne.

An act to amend the charter of the Shepherdsville and Louisville turnpike company.

An act for the benefit of the heirs of John C. Self.

An act to change the time of holding the Carter County Court.

An act to incorporate the Frankling Mining and Smelting Company—with amendments to the three last named bills.

And that they had passed bills of the following titles, viz:

An act making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes.

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

An act to establish a State road from the mouth of Salt river to Bowling-green, through Grayson county.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act authorizing a survey of the road leading over Mount Scratchum, and Old Landing hills, in Estill county.

An act to incorporate the Bank Lick turnpike road company.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county.

1. Mr. James presented the petition of sundry citizens of Smithland, concerning the Smithland Hospital.

2. Mr. Guthrie presented the petition of sundry citizens of Louisville, praying for the grant of a charter to the Louisville fuel company.

3. Mr. Ford presented the petition of Henry C. Caruth, praying for the passage of a law permitting him to bring a negro boy to this State.

4. Mr. Jesup presented the petition of James McCauley, praying for the passage of a law allowing him to peddle goods, &c., and retail spirituous liquors, any where in this Commonwealth, free of charge for license.

5. Mr. Clarke presented the petition of sundry citizens of the town of Nicholasville, and of Jessamine county, praying for the passage of a law authorizing an alteration of a road near said town.

Which petitions were received; the 1st and 4th were referred to the committee of Finance; the 3d to the committee of Propositions and Grievances; the 5th to the committee of Internal Improvement, and the 2d was laid on the table.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved January 27, 1838, reported the same with amendments—which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill to incorporate the Blue Lick Hotel and Water Company, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Pendleton county, praying that a part of said county be added to the county of Grant, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

On the motion of Mr. Wallace, leave was given to withdraw the said petition.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to change a part of the State road from Brandenburg to Bowlinggreen, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger, the committee of Internal Improvement

was discharged from the further consideration of the petition of Abel Pennington, and others, praying for an appropriation to improve the downward navigation of the Middle Fork of Kentucky river.

Mr. Beatty from the committee on Education made the following report, viz :

The select committee, to whom was referred the several memorials from citizens of Mason and Bracken counties, asking a revision of the license laws, and praying "the repeal of all laws now in force licensing, in any form, the retail or sale of spirituous liquors as a beverage or common drink, and to enact, in their stead, a law which shall make the vending of spirituous liquors, of any description, as a drink, or the giving of them to evade the law, an offence of no ordinary magnitude against this Commonwealth, and punishable as in the wisdom of the Legislature might be thought best," have had that subject under mature consideration, and have agreed upon the following report:

Upon a careful examination of the various acts concerning the retailing of spirituous liquors, commencing as far back as the year 1793, the committee are satisfied that the object of these laws was not to *legalize*, but rather to *restrain* and *discourage* the retailing of such liquors. If there had been no law in relation to this matter, every person that choose to do so, might have engaged in this kind of trafic. But by the act of 1793, tavern keepers were compelled to take out a license before they could sell any spirituous liquors, and to execute bond, conditioned that they would keep an orderly house, and "not suffer any person to tipple or drink more than is necessary." These expressions are somewhat indefinite, but it is manifest that the Legislature *intended* that no person should be permitted to drink *to excess*, or so as to become *intoxicated*. Now, if this provision of the act of 1793 had been strictly adhered to, it is obvious that no person could have obtained the means of getting *intoxicated* at a tavern; much less could he have become a confirmed drunkard by frequently tipping to excess, or drinking, as the law expresses it, "more than is necessary."

Besides tavern keepers, two discriptions of persons only were allowed to retail spirituous liquors: these were merchants and manufacturers of spirituous liquor, each of whom could sell as small a quantity as one quart, but not to be drank at their store or house. Here again the law adopted the precaution of not suffering the liquor to be drank at the place of sale. It obviously intended to prevent *public tipping*, and designed that the liquor should be carried to the home of the party who purchased it. If the spirit of this provision had been carried out, it could not have given rise to any tipping or drinking in public.

From these remarks, we may well conclude that the Legislature designed to prevent *all excess* in the use of spirituous liquors. But experience has shown that the law imposed but a feeble barrier against drinking to excess. As it was the interest of tavern keepers to sell as many half pints as possible, they, in general, took little concern as to the fact whether a party was about "to drink more than is necessary" or not. But, in justice to tavern keepers, it should be remarked that where a number of persons are collected together and drinking in a tavern, it would be no easy matter for the tavern keeper to ascertain who was *about* to drink "more than is necessary," or to

such excess as to become intoxicated; and hence, in general, symptoms of intoxication would be the first intimation he could have that one of his guests had drank too much. It is obvious, therefore, that there was an intrinsic obstacle to the execution of the law according to its spirit. And all subsequent attempts to remedy the evils arising from the non-execution of the act of 1793, have proved utterly unavailing. Instead of checking the practice of retailing spirituous liquors, it has been continually increasing, and its baleful influence has been such as to produce the most lamentable effects upon a large portion of our citizens, and the most heart-rending scenes in private families. Some idea may be formed of the magnitude of the evil from the following facts, taken from the report of the Executive Committee of the Northern Kentucky Temperance Union. The Executive Committee is composed of highly respectable gentlemen, and whose sources of information are such as to leave no doubt of the general accuracy of the facts collected by them, chiefly from the several Clerks of the different counties of this Commonwealth. They state that there are at least 1200 licenses granted by the county courts, and by the corporations of the towns and cities in this State; and consequently one licensed tavern, grocery or coffee house to every five hundred inhabitants, which is about equal to one for every sixty white males of adult age. Besides these, the Executive Committee state that there are 2,400 places at which spirituous liquors are sold without license, making, as they observe, "one grog shop to every 200 inhabitants." If this be even an approximation to the truth, another fact stated by the same committee, will not be matter of great surprise, to-wit: that "in Kentucky we have at least 20,000 drunkards, or six to every grog shop, and one to every thirty five inhabitants." The executive committee estimate, at the most moderate calculation, that \$500 worth of liquor is sold at each of the licensed places, upon an average, and \$200 worth at each of the unlicensed places, per annum, making the enormous sum of one million and eighty thousand dollars expended annually in purchasing liquors by retail from taverns, coffee houses and groceries.

This is the lowest estimate; but the Executive Committee think they would be well warranted; from all the facts they have collected, to carry the estimate to "two millions of dollars, annually squandered for intoxicating liquors." The same committee have collected a variety of other facts to show that *pauperism* and *crime* have been greatly extended in consequence of the extravagant use of intoxicating liquors in the State of Kentucky. It is deemed, however, unnecessary to go further into the detail of facts in proof of the evil consequences, resulting from the state of morals and degradation, which have resulted from the practice of suffering spirituous liquors to be retailed almost without restraint. No one can cast his eyes around without witnessing the most enormous evils, resulting from habitual intoxication. To say nothing of the great number of crimes which have their origin in the destructive practice of resorting to tippling houses, and thus too frequently acquiring the besotting practice of intoxication, how often do we behold the peace of families broken up? the tender mother driven from the protecting care of her infant offspring by her brutish husband, and the children, devoid of all education, reared in poverty and degradation, and thrown upon the cold charity of the world, without a single qualification to fit them for obtaining an honest livelihood?

Is there no remedy for evils of such unspeakable magnitude? If there

were not, it would indeed be a most lamentable circumstance. We cannot expect the evil to remain *stationary*. All experience has shown that hitherto it has been *regularly progressive*. Unless we can *entirely check* its career, it will still continue to *advance*. We have made a fair and full experiment of the license system; it has been revised, from time to time, from the year 1793 down to 1834. The last general act, approved 24th February, 1834, seems to have been framed with the utmost caution, but it has had no effect in freeing the country from habitual intoxication, and the consequent evils resulting from that miserable vice. What then is to be done? There is but one remedy left, and that will be effectual, if our countrymen have the courage, the constancy and the energy to carry it into complete execution. The remedy is to attack the evil at its foundation. The practice of retailing alcoholic liquors, except for medical purposes and to promote the arts, must be not only forbidden by law, but completely denounced by public sentiment. It would be worse than useless to forbid the retailing of spirituous liquors by law, unless public sentiment would uphold and rigidly enforce the execution of the law. If a law on this subject should pass and remain *unexecuted*, because not sustained by public sentiment, our condition would be perfectly hopeless. We will have tried the *only effectual remedy* for the *disease*, before the patient is properly prepared for that remedy; and failing of success, *on that account*, it would be almost impossible to persuade the patient to make a second trial. It is the course of wisdom then to prepare public sentiment for so decisive a measure as a total prohibition of the sale, by retail, (except for medical purposes and to promote the arts,) of alcoholic liquors, until the public mind shall be prepared, not only to acquiesce in the measure, but to afford a hearty and vigorous co-operation in carrying the prohibition into full and complete execution. The committee believe that the country is not yet prepared for so radical a change in its policy, and therefore recommend the adoption of the following resolutions:

1. *Resolved*, That in the opinion of this Senate, the only effectual remedy for the evils complained of in the memorials, is a total prohibition of the sale of alcoholic liquors, by retail, except for medical purposes and to promote the arts.

2. *Resolved*, That for the purpose of bringing this subject before the people for their consideration, ——— copies of the foregoing report and resolutions be printed for the use of the Legislature, and that the farther consideration of the memorials be postponed until the next session of the Legislature.

Mr. Hanson moved to lay the said report on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,
Bradshaw,
Burnett,

Dixon,
Ford,
Hanson,

Huston,
James,
Jasper,

Jesup,
May,
Pratt,
Tomlinson,

Wallace,
Watkins,
Weller,

Willis,
Young, A.
Young, S.—19.

Those who voted in the negative were—

Messrs. Ballinger,
Beatty,
Clarke,
Davidson,

De Courcy,
Morgan, J. S.
Murrell,
Pitts,

Rice,
Walker, C. J.
Wickliffe,
Wingate—12.

Mr. Beatty moved that the Public Printer print 150 copies of the said report for the use of the General Assembly.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Barlow,
Beatty,
Bradshaw,
Clarke,
Davidson,
De Courcy,
Ford,

Guthrie,
Hanson,
Huston,
James,
Jasper,
Johnston,
Morgan, J. S.

Murrell,
Pitts,
Rice,
Walker, C. J.
Wallace,
Wickliffe,
Wingate—22.

Those who voted in the negative were—

Messrs. Burnett,
Dixon,
May,

Pratt,
Tomlinson,
Watkins,

Weller,
Willis,
Young, S.—9.

Mr. Hanson, from the committee of Finance, reported a bill for the benefit of Martha Anderson, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Ford moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Jesup, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,
De Courcy,
Ford,
Guthrie,

Hanson,
Jasper,
Jesup,
Johnston,

May,
Morgan, D.
Morgan, J. S.
Murrell,

Pitts,
Pratt,
Rice,
Tomlinson,

Walker, C. J.
Wallace,
Watkins,

Wickliffe,
Wingate,
Young, A.—22.

Those who voted in the negative were—

Messrs. Ballinger,
Beatty,
Bradshaw,

Burnett,
Clarke,
Davidson,

Huston,
Weller,
Willis—9.

Leave was given to bring in the following bills, viz:

On the motion of Ford—1. A bill to equalize the judicial districts in this Commonwealth.

On the motion of Mr. Davidson—2. A bill for the benefit of Alexander R. McKee, Clerk of the Garrard County Court.

On the motion of Mr. Jesup—3. A bill to amend the charter of the Hopkinsville and Clarksville Turnpike Road Company.

On the motion of Mr. Wingate—4. A bill to repeal the 10th section of an act, entitled, an act to incorporate a Fire Company in the town of Cynthia, and for other purposes, approved January 27th, 1838.

On the motion of Mr. James—5. A bill to incorporate the Louisville and Mississippi Railroad Company.

On the motion of Mr. Ford—6. A bill to amend an act concerning the town of Bowlinggreen.

On the motion of Wickliffe—7. A bill more effectually to prevent the President, Directors and Companies incorporated in this Commonwealth, their agents and servants, from becoming interested or partners in contracts for the construction of public works under their management.

On the motion of Mr. Beatty—8. A bill to incorporate the Maysville Lyceum.

On the motion of Mr. De Courcy—9. A bill to amend the act, entitled, an act offering a further reward for the discovery of the true cause of the disease called the milk sickness.

On the motion of Mr. J. S. Morgan—10. A bill to authorize Samuel Arnett to qualify as High Sheriff of Nicholas county.

On the motion of Mr. Wingate—11. A bill to repeal the 3d section of an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved — day of —, 1838.

Messrs. Ford, Wickliffe and Pratt were appointed a committee to prepare and bring in the 1st; Messrs. Jesup, Willis and Dixon the 3d; Messrs. Wingate, Pratt and Davidson the 4th; Messrs. James, Watkins and Weller the 5th; Messrs. Ford, J. V. Walker and Barlow the 6th; Messrs. De Courcy, Wingate and Beatty the 9th; the committee of Finance was directed to

prepare and bring in the 2d; the committee of Internal Improvement the 7th; the Committee of Education the 8th, and the committee on the Judiciary the 10th and 11th.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend the charter of the city of Louisville.

2. A bill to incorporate the Louisville Coal Company.

3. A bill to incorporate the Jefferson Turnpike Company.

By Mr. Willis, from the committee of Propositions and Grievances—4. A bill allowing an additional Justice of the Peace to Barren county.

By Mr. Hanson, from the committee of Finance—5. A bill for the benefit of Rebecca Evans.

By Mr. Jesup, from the committee on Military Affairs—6. A bill to repeal so much of the 79th section of the militia law as requires the militiamen to carry guns to muster.

7. A bill for the benefit of William Spratt, and others.

From select committees.

By Mr. Pitts—8. A bill to incorporate the town of Rumsey.

By Mr. Wickliffe—9. A bill to authorize the city of Lexington to borrow money for certain purposes.

By Mr. James—10. A bill to incorporate the Louisville and Mississippi Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th and 9th were ordered to be engrossed and read a third time; the 3d and 10th were referred to the committee on Internal Improvement, and the 8th to the committee on the Judiciary.

The constitutional rule as to the third reading of the 1st, 4th and 9th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had appointed a committee of conference, on their part, in relation to the disagreement of the two Houses on the amendment of that House to a bill from the Senate, entitled, an act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

Mr. Beatty moved that the Senate resolve itself into a committee of the whole House on the state of the Commonwealth, on a bill to establish the office of Comptroller of the Treasury, and for other purposes.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Tomlinson,
Barlow,	Hanson,	Walker, C. J.
Beatty,	Huston,	Watkins,
Bradshaw,	Jasper,	Weller,
Clarke,	Johnston,	Wingate,
Davidson,	Morgan, J. S.	Young, S.—20.
Ford,	Murrell,	

Those who voted in the negative were—

Messrs. Burnett,	May,	Wallace,
De Courcy,	Pitts,	Wickliffe,
Dixon,	Pratt,	Willis,
James,	Rice,	Young, A.—14.
Jesup,	Walker, J. V.	

Mr. Ballinger was thereupon called to the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Ballinger reported that the committee had, according to order, had under consideration the said bill, and had made further progress therein, but not having time to go through the same, had directed him to ask leave to sit again—which was granted.

And then the Senate adjourned.

TUESDAY, JANUARY 22, 1839.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the charter of the city of Louisville.

And that they had passed bills of the following titles, viz:

An act to allow and additional Justice of the Peace for Nelson county:

An act for the benefit of the Sheriff of Madison county.

1. Mr. James presented the petition of Henry Enders and John Hynes, citizens of Paducah, praying for an appropriation of \$2,800, out of the public Treasury, to indemnify them for the loss of \$2,400, with interest, &c.,

which was in their hands, belonging to the Board of Internal Improvement of McCracken county, and consumed by the destructive fire which took place in Paducah on the 3d of May, 1838.

2. Mr. Wallace presented the petition of sundry citizens of Gallatin county, in relation to granting licenses to retail spirituous liquors.

3. Mr. Davidson presented the petition of E. Pennington and Benjamin Duncan, guardians of the infant children of Luke Hazlewood, deceased, praying for the passage of a law, authorizing the sale of a small tract of land in Lincoln county, devised to their wards by their deceased father.

4 and 5. Mr. Clarke presented two remonstrances of sundry citizens of Jessamine county, against the alteration of a public road near the town of Nicholasville.

Which were severally received; the 1st and 3d were referred to the committee on the Judiciary; the 4th and 5th to the committee of Internal Improvement, and the 2d was laid on the table.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following bills, viz:

A bill to incorporate the town of Louisa, in Lawrence county:

A bill to authorize a change of venue in the trial of John S. Lasley:

A bill to alter the time of holding the Chancery Court, in the county of Madison, and for other purposes:

A bill to incorporate the town of Rumsey—reported the 1st and 2d without amendment, and the 3d and 4th with amendments to each—which were concurred in.

Ordered, That the said bills be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the several acts concerning the towns of Paris and Elizabethtown, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Wingate, from the committee of Religion, to whom was referred the petition of John Ortkies, and Catharine, his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act in relation to the roads in Clay and Perry counties, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Hanson, from the committee of Finance, to whom was referred the petition of James McCauley, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

On the motion of Mr. Hanson, the vote concurring in the said resolution was reconsidered, and the said petition was recommitted to the committee of Finance.

A message, in writing, was received from the Governor, by Mr. Bullock, Secretary of State.

Mr. Pitts, from the committee on the Penitentiary, made the following report viz:

The Committee on the Penitentiary, whose duty it has been to examine into, and take cognizance of the matters and things, to them referred, have had the same under consideration, and beg leave to report:

The object of the institution is to punish the vicious, who, by intemperance, and recklessness in the commission of crime, may become its unfortunate inmates. As the population of our country has increased, and our cities and villages are growing to an importance, which invites emigration of all classes and professions, so has been the numerical increase within the walls of our Penitentiary. Consequently, this institution and its management, has become of more and more importance, from the time of its creation; and will continue, in all probability, so long as it exists, and man is governed by the wicked passions of his nature. Most of the States of the Union have their prisons, for the punishment and prevention of crime, with different plans, and various modes of management; and in many instances are they a tax upon the revenue of the community, in which they are placed. Such was the condition of this institution up to a few years back, when the mode of working it was changed to the present one. Under the present management it has already come in aid of the revenue, and promises with wholesome and prudent laws to regulate its concerns, no inconsiderable item to swell the Sinking Fund. The committee are, therefore, of an opinion, that however much a different mode of operating is desired, it would be hazardous to the interest of the State to attempt a change, in relation which the keeper should hold to the institution.

The recommendation of the Executive, in his annual message, in regard to the appointment of a Clerk, whose duty it shall be to take charge of the books and accounts of the institution, meets with the hearty concurrence of the Committee.

Upon inquiry and examination into the fiscal concerns of the institution, and the State's profit resulting from the partnership with the present Keeper, which expires upon the 10th March, next, your Committee find, by previous enactments, it is made the duty of the Commissioners of the Sinking Fund, to look after and ascertain the same; and they have now, with a view to settlement, procured the services of competent clerks, into whose hands the books are placed. It is due to the Keeper to say, although it is a source of regret that the law has not provided for his more frequent settlements of the accounts of the institution, that so far as their investigations have extended, they have found nothing improper, or that was not sanctioned by the conditions of his contract.

The moral and religious instruction of the institution have not been neglected, and in any future provisions they certainly should not be. For who can have greater inducements to seek after the promises to be realized in after life, than that being who is incarcerated within the walls of a Penitentiary.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pitts, from the committee on the Penitentiary, reported a bill prescribing the duties of the Keeper and Clerk of the Penitentiary.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. De Courcy—1. A bill for the benefit of the jailer of Campbell county.

On the motion of Mr. Guthrie—2. A bill authorizing limited partnerships in this Commonwealth.

On the motion of Mr. Willis—3. A bill to extend the May term of the Hart Circuit Court.

On the motion of Mr. J. V. Walker—4. A bill giving further time to the Sheriff of Logan county to present his list of delinquents to the Court of Assessment of the 91st Regiment, Kentucky militia.

On the motion of Mr. Pitts—5. A bill to provide for a Geological survey of the State.

Messrs. De Courcy, Burnett and Pitts were appointed a committee to prepare and bring in the 1st; Messrs. J. V. Walker, James and Weller the 4th; the committee on the Judiciary was directed to prepare and bring in the 2d and 5th, and the committee on Propositions and Grievances was directed to prepare and bring in the 3d.

On the motion of Mr. James,

Resolved, That the committee on Finance be instructed to inquire into the expediency and propriety of increasing the compensation, now allowed by law, to jailers, for dieting runaway slaves, when confined in the jails of this Commonwealth.

Mr. James read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives, That they will, on the — day of —, by a joint vote of both Houses, proceed to the election of a Treasurer, Public Printer, Librarian, President and Directors of the Bank of the Commonwealth, and an Agent and Keeper of the Penitentiary.

The amendments proposed by the House of Representatives, to bills from the Senate of the following titles, were severally twice read and concurred in, viz:

An act for the benefit of the heirs of John C. Self.

An act to change the time of holding the Carter County Court.

An act to incorporate the Franklin Mining and Smelting Company.

The following bills were reported, viz:

By Mr Guthrie, from the committee on the Judiciary—1. A bill to amend an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved February 23d, 1837.

By Mr. Guthrie, from the same committee—2. A bill to amend the charter of the town of Paducah.

By Mr. Hanson, from the committee on Finance—3. A bill for the benefit of Thomas Smith, of Lexington.

By Mr. Beatty, from the committee on Education—4. A bill to incorporate the Maysville Liceum.

By Mr. Beatty, from the same committee—5. A bill to authorize a sale of the Seminary lands of Wayne county.

By Mr. Jesup, from a select committee—6. A bill to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

By Mr. Ford, from a select committee—7. A bill to amend an act concerning the town of Bowlinggreen.

By Mr. Wingate, from a select committee—8. A bill to repeal the 10th section of an act, entitled, an act to incorporate a Fire Company in the town of Cynthiana, and for other purposes, approved January 27th, 1838.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 2d, 3d and 8th were ordered to be engrossed and read a third time; the 4th was referred to the committee on the Judiciary; the 5th, being amended, to the committee on Education; the 6th to the committee of Internal Improvement, and the 7th to the committee of Finance.

The constitutional rule as to the third reading of the 8th bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Engrossed bills of the following titles, were severally read the third time, viz:

An act for the benefit of Harmon Hurst.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act to authorize the Register of the Land Office to Register certain plats and certificates of survey, made in Warren county in 1838.

An act to appoint trustees for the town of Summersville.

An act for the benefit of the Spencer county Seminary.

An act for the benefit of the heirs of Francis Blaydes, deceased.

An act to amend an act incorporating the Stockholders of the Merchants' Louisville Insurance Company.

An act for the benefit of Mason W. Sherrill.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved February 16, 1838.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved Jan. 27th, 1838.

An act to amend an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets, to be lodged with the Secretary of State, by the Banks of the Commonwealth.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to incorporate the Louisville Coal Company. was read the third time.

The Senate then proceeded to the consideration of the order of the day.

On the motion of Mr. Guthrie, the committee of the whole House, on the state of the Commonwealth, was discharged from the further consideration of a bill establishing the office of Comptroller of the Treasury, and for other purposes.

The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be a Comptroller of the Treasury, who shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of *two* years, and receive an annual salary of sixteen hundred dollars, payable out of the public Treasury as in cases of other officers; but before he enters on the duties of his office, said Comptroller shall execute bond to the Commonwealth, in the penalty of fifty thousand dollars, with security approved by the Governor, and conditioned for the faithful discharge of said duties, and for the surrender to his successor of the books, papers and other property appertaining *thereto*; [and thereupon, the Auditor of Public Accounts shall deliver to the said Comptroller the rooms in which said Auditor's office is now kept, together with the books and papers aforesaid, and other property, appertaining to said office; and the said Comptroller shall be clothed with all the powers, and perform all the duties, vested in and imposed upon the said Auditor by the laws now in force; and instead of the powers and duties now executed and performed by him, the said Auditor shall execute such duties, in aid of the Comptroller, as he shall, from time to time, direct; provided, that said Comptroller shall not require from said Auditor the performance of more than one half of the labors of said Comptroller's office; and provided further, that warrants on the public Treasury for money shall be signed and drawn by the Comptroller only, who alone shall grant and issue to public officers, and other persons, receipts, or a quietus, for money due to the Commonwealth.]

SEC. 2. That it shall be the duty of the Comptroller to furnish the Governor such information, in regard to the finances of the Commonwealth, as he may, from time to time, require; and at all times permit the Governor, by himself or proxy, to examine the books and papers of said office; and all laws now in force relating to or regulating the office and duties of said

Auditor, shall apply to and govern the office and duties of said Comptroller, so far as said laws are not inconsistent with the provisions of this act.

SEC. 3. That so much of any act as authorizes and requires the said Auditor to appoint one competent assistant Clerk in his office, at an annual salary of eight hundred dollars, shall be, and the same is hereby repealed; nor shall the said Comptroller have authority, in virtue of said act, to appoint such Clerk.

Mr. Guthrie moved to amend the first section by striking out all after the word "*thereto*," printed in italics, and inserting in lieu thereof the following, viz:

And said Comptroller shall perform all the duties, and exercise all the powers in relation to the collection and disbursement of the ordinary public revenue, now vested in and required of the Auditor of Public Accounts; and all the acts, and parts of acts, now in force as to the Auditor of Public Accounts, in relation to the collection and disbursement of the ordinary public revenue, shall apply to the Comptroller of the Treasury, in all respects, as though said acts, and parts of acts, had been enacted in reference to said Comptroller; and to the Auditor of Public Accounts shall be confided all the duties of said office in relation to the Internal Improvement Fund, the Sinking Fund, and the School Fund, and all other duties now assigned by law to the Auditor, and not enumerated in this act, shall be performed by the Comptroller; and the Comptroller and Auditor shall, for the present, keep their offices in the rooms now occupied by the Auditor, and the books and papers belonging, or relating to the duties of the Comptroller, as prescribed by this act, shall be delivered over to him.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Pitts,
Barlow,	James,	Pratt,
Beatty,	Jesup,	Walker, C. J.
Bradshaw,	Johnston,	Watkins,
Burnett,	May,	Weller,
Clarke,	Morgan, D.,	Wickliffe,
Davidson,	Morgan, J. S.	Young, A.,
Ford,	Murrell,	Young, S.—26.
Guthrie,	Nuttall,	

Those who voted in the negative were—

Messrs. De Courcy,*	Rice,	Wallace,
Dixon,	Tomlinson,	Willis—8.
Jasper,	Walker, J. V.	

Mr. Willis moved to amend the said bill by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That all laws authorizing the Auditor of Public Accounts to appoint a Clerk in his office, shall be, and they are hereby repealed; and from and after the passage of this act, the Governor shall, with the advice and consent of the Senate, appoint a second Auditor, who shall hold his office for four years, with a salary of one thousand five hundred dollars, payable as other public officers. And the second Auditor, appointed by virtue of this act, shall perform an equal portion of the labors of the office with the Auditor; but all warrants, quietuses and discharges, and other documents from said office shall be signed by the first Auditor as heretofore, except in cases of sickness or absence of the first Auditor.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis, and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Jesup,	Walker, J. V.
Burnett,	May,	Wallace,
De Courcy,	Nuttall,	Wickliffe,
Dixon,	Pratt,	Willis,
James,	Rice,	Young, A.—16.
Jasper,		

Those who voted in the negative were—

Messrs. Ballinger,	Hanson,	Tomlinson,
Barlow,	Huston,	Walker, C. J.
Beatty,	Johnston,	Watkins,
Clarke,	Morgan, D.,	Weller,
Davidson,	Morgan, J. S.	Wingate,
Ford,	Murrell,	Young, S.—20.
Guthrie,	Pitts,	

Mr. Guthrie moved to amend the first section of the said bill by striking out the word *two*, printed in italics, and inserting in lieu thereof “three.”

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	May,	Walker, C. J.
Davidson,	Nuttall,	Young, S.—7.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	James,	Tomlinson,
Beatty,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Wallace,
Burnett,	Morgan, D.	Watkins,
Clarke,	Morgan, J. S.	Weller,
De Courcy,	Murrell,	Wickliffe,
Dixon,	Pitts,	Willis,
Ford,	Pratt,	Wingate,
Hanson,	Rice,	Young, A.—28.
Huston,		

Mr. Wickliffe moved to amend the said bill by adding thereto the following clause, viz:

This act shall continue and be in force for two years, from and after the end of the present session of the Legislature.

The question being taken on the adoption of the said amendment, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Jasper,	Tomlinson,
Burnett,	Jesup,	Walker, J. V.
De Courcy,	May,	Wallace,
Dixon,	Nuttall,	Wickliffe,
Ford,	Pratt,	Willis,
James,	Rice,	Young, A.—18.

Those who voted in the negative were—

Messrs. Ballinger,	Hanson,	Pitts,
Barlow,	Huston,	Walker, C. J.
Beatty,	Johnston,	Watkins,
Clarke,	Morgan, D.	Weller,
Davidson,	Morgan, J. S.	Wingate,
Guthrie,	Murrell,	Young, S.—18.

The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Clarke,	Guthrie,
Barlow,	Davidson,	Hanson,
Beatty,	Ford,	Huston,

Johnston,
Morgan, D.
Morgan, J. S.
Murrell,

Nuttall,
Pitts,
Walker, C. J.
Watkins,

Weller,
Wingate,
Young, S.—20.

Those who voted in the negative were—

Messrs. Bradshaw,
Burnett,
De Courcy,
Dixon,
James,
Jasper,

Jesup,
May,
Pratt,
Rice,
Tomlinson,

Walker, J. V..
Wallace,
Wickliffe,
Willis,
Young, A.—16.

On the motion of Mr. Huston, leave was given to bring in a bill for the benefit of the Sheriff of Spencer county.

The committee of Finance was directed to prepare and bring in the same.

And then the Senate adjourned.

WEDNESDAY, JANUARY 23, 1839.

A message was received from the House of Representatives, announcing that they had passed bills which originated in the Senate of the following titles, viz:

An act to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky militia.

An act releasing James Squires from all liability upon his bond, executed to the Quartermaster General for arms in the year 1833.

And that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to amend the Militia Law of this State.

An act for the benefit of the Madison Troop of Cavalry.

An act to change the place of voting from the house of Henry Haynie, in Laurence county, to that of James Rous, in said county, and to abolish an election precinct in Hardin county.

An act to extend the Constable's district for the town of Salvisa, in Mercer county.

On the motion of Mr. S. Young, the vote rejecting the petition of John Ortkies, and Catharine, his wife, was reconsidered, and the said petition was referred to the committee on the Judiciary.

Mr. Johnston presented the petition of sundry citizens of Shelbyville, praying for the passage of a law to incorporate a Fire, Marine and Life Insurance Company in said town—which was received and referred to the committee on the Judiciary.

Mr. Ballinger, from the committee of Internal Improvement, reported a bill to alter the Arnold's mill road—which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Wilmore, Daniel B. Price, and James C. Wilmore, be, and they are hereby authorized to alter the Arnold's mill road, in the county of Jessamine, commencing said alteration at the first crook in said road, near the town of Nicholasville, and running the same over the lands of the said Wilmore, on a straight line with said road from where it leaves the limits of said town, till it intersects the said Price's line; thence with the said Price's line, on the lands of the said Price and Wilmores, till it enters the said Arnold's mill road. They are to make said road of the width of main cross street in said town, and put the same in good order for traveling, before they be permitted to discontinue the old road.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Johnston, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Dixon,	Walker, J. V.
Clarke,	Jasper,	Watkins,
De Courcy,	Murrell,	Young, A.—9

Those who voted in the negative were—

Messrs. Ballinger,	Hanson,	Tomlinson,
Beatty,	Huston,	Wallace,
Bradshaw,	Johnston,	Weller,
Burnett,	Morgan, D.	Wickliffe,
Davidson,	Morgan, J. S.	Wingate,
Ford,	Pitts,	Young, S.—20.
Guthrie,	Pratt,	

On the motion of Mr. Hanson,

Ordered, That the Public Printer print 150 copies of the report of the trustees of the Cumberland Hospital for the use of the General Assembly.

Mr. Beatty, from the committee on Education, to whom was referred bills of the following titles, viz:

A bill to authorize a sale of the Seminary lands of Wayne county:

A bill to amend an act to establish a system of Common Schools in the

State of Kentucky, reported the same with amendments to each—which were concurred in.

Ordered, That the former bill be engrossed and read a third time, that the latter be referred to the committee of the whole House for Tuesday next, and the Public Printer print 150 copies thereof for the use of the General Assembly.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to authorize Samuel Arnett to qualify as High Sheriff of Nicholas county.

2. A bill authorizing limited partnerships in this Commonwealth.

By Mr. Hanson, from the committee of Finance—3. A bill for the benefit of the Sheriff of Spencer county.

By Mr. J. V. Walker, from a select committee—A bill for the relief of the Sheriff of Logan county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 3d and 4th, were ordered to be engrossed and read a third time; the 2d was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

The constitutional rule as to the third reading of the 1st and 3th bills being dispensed with, and the same being engrossed, the 3d was amended by way of engrossed rider.

Resolved, That the said bills do pass, and that the title of the first be as aforesaid, and that the title of the third be amended to read, an act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

Mr. De Courcy, from a select committee, made the following report, viz The Committee, to whom was referred the “leave to bring in a bill more effectually to protect the citizens of this Commonwealth from being killed by persons wearing concealed, deadly weapons, not necessary for self-defense, or that of the State,” ask leave to submit the following report, viz:—

The first thing that presented itself for consideration, was an inquiry for the objects the people wished to obtain, by forming a government for Kentucky. Your Committee were at no loss; for the very first sentence of our Constitution declares the object to be, “to secure to all the citizens the enjoyment of the right of life, liberty, and property, and of pursuing happiness.”

Again, the 2d Sec. 10th Art. declares that all free governments are instituted for the peace, safety and happiness of the people. Then, if government was instituted to secure to all the right of life, liberty, and property, and pursuit of happiness, and if, indeed, government is instituted for the peace, safety, and happiness of the people, then it follows, as a matter of course,

that every thing ought to be done, that can be done, to produce these results.

Your Committee, in view of the above quoted declarations of the Constitution, cannot believe that the 23d Sec. of the 10th Art. ought to be construed as taking away the power of the Legislature, to pass any law, to prevent evil disposed persons from arming themselves with deadly weapons, for any other purposes than the two named in said section, viz: self-defence, and that of the State. Said section reads as follows: "That the rights of the citizens, to bear arms, in defence of themselves and the State, shall not be questioned." In the bill herewith reported, your Committee have not questioned the rights of the citizens to bear arms, in defence of themselves or the State. But they have provided, as they believe, adequate penalties, to prevent evil disposed persons from concealing deadly weapons about their persons, for the purpose of committing depredations on the life, limb, liberty or property of others; to secure which, was the avowed object the people had in view, in forming a government. In the bill herewith presented, it is made the duty of the jury to determine, whether such deadly weapons are worn in self-defence, or for evil purposes. If found guilty of concealing deadly weapons, for evil purposes, surely none will doubt the propriety of a prohibition by law; for it is a well known fact, that nothing is more calculated to create suspicion, and disturb the repose, the peace and happiness of society, than the presence of an individual armed with a bowie knife, near two feet long, on his back, with the handle under his coat collar, at the back of his neck, an instrument that would sever a man's head from his shoulders, at a blow, or sever his body in an instant, as has lately been done. In addition to which, a pistol in each pocket, and a dirk up his sleeve, and often a spear in a cane, calculated to go through a man's body at a single thrust.

Your Committee would ask—Where is the necessity, in this land of peace and safety, of any man's thus arming himself? There is absolutely none. We find the proof in the fact, that tens of thousands have passed from infancy to old age, without ever once finding it necessary thus to arm. Your Committee believe that a man, armed with honesty of purpose, seldom needs any other defence.

The very circumstance of some desperados being thus armed, creates almost the only cause that makes it necessary for any to arm; so that, in putting down the practice at once, we take away the necessity. Your Committee believe that more than half the murders committed in this Commonwealth, are perpetrated by men who conceal deadly weapons about their persons. It is a practice borrowed, from semi-barbarous nations, from old Spain, and Mexico, a people whose morality consists in their power to do wrong. Shall Kentuckians, lighted by the blaze of science, and guided by the influence of the precepts of universal love, take lessons from Spaniards and Mexicans? It ought to be the pride of Republics, that they are unlike all others. The practice of wearing concealed weapons is increasing, perhaps ten fold every year. It is well a known fact, that there is a train of armed desperados ranging our whole northern boundary, on the Ohio river, rendering life, liberty, and property, insecure. They often commit the most daring outrages, and under cover of their deadly weapons, they escape to steamboats, and in a few hours are entirely beyond the reach of Justice. Surely when they have thus acted a thousand times, we have a right to in-

fer, when we find others thus armed with deadly concealed weapons, that they intend to commit the same outrages on society. The very circumstance of concealment, creates a suspicion sufficiently strong to authorize an investigation. The books are full of examples. Is it not an every day practice, judging from acts, to forestall intention of bad men. The felon, on his trial for murder, asserts he did not intend to kill his victim; only intended to shoot at him and scare him. Will this satisfy the jury? No, they will enquire of the circumstances of the case. Did he arm himself in cold blood? Did he lay in wait for his victim? Had he an adequate motive? &c. Judgment is finally rendered in view of all these considerations. So, in this case, the jury first enquires: Did he arm himself with concealed deadly weapons? Were they necessary for self-defence, or that of the State? If found necessary, he is no farther questioned, but discharged. The jury are the proper judges, and not the accused.

Your Committee, after a careful consideration of the whole matter, have come to the conclusion that there is no Constitutional prohibition to the bill herewith presented. The only doubt entertained by the Committee, is whether the wearing concealed deadly weapons, alone, should not have been made a felony. Thus at once stamping the practice with infamy. All of which is respectfully submitted.

WM. DE COURCY, *Chairman.*

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Mr. De Courcy, from the committee appointed for that purpose, reported a bill more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying concealed deadly weapons, not necessary for self-defence, or that of the State.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

Mr. Barlow, from the committee appointed for that purpose, reported a bill to change the time of the annual meeting of the Legislature—which was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

On the motion of Mr. Wickliffe,

Resolved, That the committee of Finance inquire whether the revenue has been uniformly assessed by the commissioners of revenue, and if not, into the causes of such want of uniformity, and report by bill or otherwise.

On the motion of Mr. Ford, the rule of the Senate limiting the number of members of select committees to three, was suspended, and Messrs. Dixon, Willis, Nuttall, Hanson and Beatty were added to the committee appointed

to prepare and bring in a bill to equalize the judicial districts in this Commonwealth.

Mr. Wingate read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That when they adjourn on Friday the 15th of February, 1839, they will adjourn without day.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Watkins—1. A bill to amend an act, entitled, an act for the better regulation of the town of Hardinsburg, approved February 22, 1836.

On the motion of Mr. James—2. A bill to establish an election precinct in the town of Lovelaceville, in McCracken county.

The committee on the Judiciary was directed to prepare and bring in the 1st, and the committee of Privileges and Elections the 2d.

On the motion of Mr. De Courcy,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of having that part of the turnpike road leading from Newport to Winchester, surveyed and located, which lies between Newport and Falmouth.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Beatty in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Beatty reported that the committee had, according to order, had under consideration a bill to regulate the administration and settlement of estates, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The said amendments were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The resolution fixing a day for the election of public officers, offered by Mr. James on yesterday, was laid on the table.

The message, in writing, received from the Governor on yesterday, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
Frankfort, January 22, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Aaron K. Woolley, to be Judge of the third Judicial District, in place of Daniel Mayes, resigned.

Robert Finnel, to be Police Judge in the town of South Frankfort, in place of Wm. M. Todd, resigned.

Joel Martin, to be Sheriff of the county of Floyd.

John H. Barker, to be Sheriff of the county of Pendleton.

Andrew McCampbell, to be Sheriff of the county of Jessamine.

The County Courts of the said counties of Floyd, Pendleton and Jessamine having failed to recommend agreeably to the Constitution.

JAS. CLARK.

The Senate went into secret session on the nomination of the said Aaron K. Woolley, to be Judge of the third Judicial District.

Resolved, That the Senate advise and consent to the said appointment, and that they also advise and consent to the appointments of the other persons as nominated in the said message.

The doors of the Senate were then opened, and the injunction of secrecy removed.

The message, in writing, received from the Governor on the 20th ultimo, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
Frankfort, December 20, 1838. }

*Gentlemen of the Senate
and House of Representatives:*

I herewith transmit the annual report of the Commissioners of the Sinking Fund.

JAS. CLARK.

Ordered, That the said report be referred to the committee on Finance.

A bill from the House of Representatives, entitled, an act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was referred to the committee of Internal Improvement.

The Senate resumed the consideration of an engrossed bill, entitled, an act to incorporate the Louisville Coal Company, which was discussed for some time.

And then the Senate adjourned,

THURSDAY, JANUARY 24, 1839.

A message was received from the House of Representatives, announcing that they had disagreed to a resolution from the Senate, adopting a joint rule, that the committee on Education examine Transylvania University, the Lunatic Asylum, and the Deaf and Dumb Asylum.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown.

An act for the benefit of Joseph Allen.

An act for the benefit of the Sheriff of Adair county.

An act to make an addition to the town of Rochester, in Butler county.

An act for the benefit of Harmon Hurst.

An act to authorize the Register of the Land Office to Register certain plats and certificates of survey, made in Warren county in 1838.

An act to allow an additional Justice of the Peace to Barren county.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of Robert Arberry.

2. An act to change the bounds of the seventh division of the Kentucky militia, and for other purposes.

3. An act for the benefit of the Clerk of the Scott Circuit Court.

4. An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

5. An act authorizing a change of venue in the case of the Commonwealth against Edmund C. Wilkinson, Benjamin R. Wilkinson, and John Murdough.

6. An act for the benefit of Elisha C. Hampton.

7. An act for the benefit of Matthew Elder.

8. An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

8. An act for the benefit of Charity Taylor.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 4th were referred to the committee of Internal Improvement; the 2d and 6th to the committee on Military Affairs; the 3d, 5th and 8th to the committee on the Judiciary; the 7th to the committee of Finance, and the 9th to the committee of Religion.

A message was received from the House of Representatives, announcing that they had adopted the report of the committee of conference, on the disagreement of the two Houses on an amendment proposed by that House to a bill from the Senate, entitled, an act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

The said report was twice read and concurred in.

1. Mr. Weller presented the petition of sundry citizens of the town of Smithland, praying for the passage of a law authorizing the trustees of said town to license coffee houses.

2. Mr. Pratt presented the resolution of the County Court of Scott county, praying for the passage of a law authorizing said Court to lay an additional county levy.

Which were received and referred to the committee of Propositions and Grievances.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills of the following titles, viz:

1. A bill to incorporate the Maysville Lyceum:
2. A bill to amend the law concerning the action of trespass:
3. A bill changing the terms of the Court of Appeals, and for other purposes—reported the same, the first without amendment, and the second and third with amendments to each—which were concurred in.

The first was ordered to be engrossed and read a third time, the second was placed in the orders of the day, and the third recommitted to the committee on the Judiciary.

Ordered, That the Public Printer print 150 copies of the 2d and 3d bills for the use of the General Assembly.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Nelson Dyer, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Willis, from the committee of Propositions and Grievances, reported a bill for the benefit of Tabitha Hix.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed, and read a third time.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill authorizing the Board of public works to cause to be constructed, suitable buildings for the public offices, and for other purposes, reported the same without amendment.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

On the motion of Mr. Guthrie, the bill, entitled, an act to incorporate the Louisville Coal Company, was referred to the committee on the Judiciary.

The resolution for the adjournment of the General Assembly, offered by Mr. Wingate on yesterday, was laid on the table.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Dixon—1. A bill to encourage the growth and manufacture of silk in the Commonwealth of Kentucky.

On the motion of Mr. Willis—2. A bill to amend the law in relation to divorces.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. Willis, Dixon and Pratt were appointed a committee to prepare and bring in the 2d.

Engrossed bills of the following titles, were severally read the third time, viz:

An act for the benefit of Rebecca Evans.

An act to repeal so much of the 79th section of the militia law as requires the militiamen to carry guns to muster.

An act for the benefit of William Spratt, and others.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to alter the time of holding the Chancery Court, in the county of Madison, and for other purposes.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the town of Rumsey.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved February 27, 1837.

An act for the benefit of Thomas Smith, of Lexington.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to amend the charter of the town of Paducah.

An act to authorize a sale of the Seminary lands of Wayne county.

An act for the benefit of the Sheriff of Logan county.

An act to regulate the administration and settlement of estates.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the estate of Edmund Hall, deceased.

2. An act to amend an act, entitled, an act to amend the law in relation to divorces.

3. An act for the benefit of Nancy Collins.

Were severally read the third time; the 1st was referred to the committee on the Judiciary, and the 2d to the committee on Religion.

Resolved, That the third bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

2. An act allowing an additional Justice of the Peace to Oldham county.

3. An act in relation to the roads in Clay and Perry counties.

4. An act to amend the several acts concerning the towns of Paris and Elizabethtown.

Were severally read the third time, as amended.

Resolved, That the said bills, as amended, do pass, and that the titles of the first and fourth be as aforesaid, that the title of the second be amended to read, an act allowing two additional Justices of the Peace to Oldham

county, and that the title of the third be amended to read, an act in relation to the roads in Clay, Knox, Laurel, Whitley, Harlan and Perry counties.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin and Thomas J. Gough, Justices of the Peace.

2. An act to change the place of voting in an election precinct in Cumberland county.

3. An act to change the name of Jane Wright to that of Jane Dodd.

4. An act to provide for running the line between Marion and Washington counties.

5. An act for the benefit of Elias Dobson.

6. An act to establish the town of Frederick, in Barren county.

7. An act for the benefit of Charles S. Gatewood, and others.

8. An act to change the place of voting in the Stamping Ground precinct, in Scott county.

9. An act for the benefit of the Sheriffs of Estill and Pendleton counties.

10. An act making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes.

11. An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

12. An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

13. An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

14. An act for the benefit of the mechanics of Maysville.

15. An act to change the venue in the case of John D. Perkins.

16. An act authorizing a survey of the road leading over Mount Scratchum, and Old Landing hills, in Estill county.

17. An act to incorporate the Bank Lick Turnpike Road Company.

18. An act to allow and additional Justice of the Peace for Nelson county.

19. An act for the benefit of the Sheriff of Madison county.

20. An act to amend an act, entitled, an act to amend the Militia Law of this State.

21. An act to change the place of voting from the house of Henry Haynie, in Lawrence county, to that of James Rous, in said county, and to abolish an election precinct in Hardin county.

22. An act to extend the Constable's district for the town of Salvisa, in Mercer county.

23. An act for the benefit of the Madison Troop of Cavalry.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st, 5th, 14th and 15th were referred to the committee on the Judiciary; the 3d, 4th, 6th, 18th and 22d to the committee of Propositions and Grievances; the 7th, 19th, 20th and 23d to the committee on Military Affairs; the 8th and 21st to the committee of Privileges and Elections; the 9th to the committee of Finance; the 10th, 11th, 12th, 13th, 16th and 17th to the committee of Internal Improvement, and the 2d was ordered to be read the third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the second bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to establish the office of Comptroller of the Treasury, and for other purposes, was read the third time.

At a quarter past two o'clock, P. M., Mr. Dixon moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dixon and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Dixon,	Schooling,	Wickliffe,
Ford,	Tomlinson,	Willis,
James,	Wallace,	Young, A.—10.
Rice,		

Those who voted in the negative were—

Messrs. Ballinger,	Hanson,	Nuttall,
Barlow,	Huston,	Pitts,
Beatty,	Jasper,	Pratt,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	Johnston,	Watkins,
Clarke,	May,	Weller,
Davidson,	Morgan, D.	Wingate,
De Courcy,	Morgan, J. S.	Young, S.—26.
Guthrie,	Murrell,	

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Nuttall,
Barlow,	Huston,	Tomlinson,
Beatty,	Johnston,	Watkins,
Clarke,	Morgan, D.	Weller,
Davidson,	Morgan, J. S.	Wingate,
Ford,	Murrell,	Young, S.—19.
Guthrie,		

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Walker, J. V.
Burnett,	May,	Wallace,
De Courcy,	Pitts,	Wickliffe,
Dixon,	Pratt,	Willis,
James,	Rice,	Young, A.—17.
Jasper,	Schooling,	

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

FRIDAY, JANUARY 25, 1839.

1. Mr. Nuttall presented the petition of Jeremiah Sullivan, and others, praying that the said Sullivan may be restored to the rights and privileges of an unmarried man, his wife having been divorced from him, and married to another.

2. Mr. Watkins presented the petition of sundry citizens of Hardin, Breckinridge and Meade counties, praying for the passage of a law incorporating the town of Springville.

Which petitions were received and referred, the former to the committee of Religion, and the latter to the committee of Internal Improvement.

The Senate resumed the consideration of a bill authorizing the Board of public works to cause to be constructed, suitable buildings for the public offices, and for other purposes.

On the motion of Mr. Ballinger, the said bill was recommitted to the committee of Internal Improvement.

Mr. Beatty moved the following instructions, viz:

Resolved, That the committee of Internal Improvement be instructed to obtain from the Chief Engineer, a plan of a building, to be erected on or

near the site of the Treasurer's and Auditor's offices, of suitable dimensions and number of rooms for a Treasurer's office, Auditor's office, and Comptroller's office, whenever such office shall be created, together with an estimate of the probable cost of said building, erected of stone, or other incombustible materials, and made fire proof. And the said committee are further instructed so to modify the bill as to appropriate such a sum as will be necessary to provide all suitable materials for said building, during the present year, preparatory to the commencement thereof immediately after the adjournment of the next session of the Legislature.

Mr. De Courcy moved to amend the said instructions by striking out so much as relates to a Comptroller's office.

When Mr. Wickliffe moved to lay the said motion for instructing the committee on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and D. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Watkins,
Barlow,	Morgan, J. S.	Wickliffe,
Bradshaw,	Murrell,	Willis,
Clarke,	Pratt,	Wingate,
Hanson,	Schooling,	Young, A.
Jesup,	Tomlinson,	Young, S.—18.

Those who voted in the negative were—

Messrs. Beatty,	Huston,	Pitts,
Burnett,	Jasper,	Walker, J. V.
De Courcy,	Johnston,	Wallace,
Ford,	May,	Weller—14.
Guthrie,	Nuttall,	

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to establish the Southern Bank of Kentucky.

The said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the 4th section of an act, entitled, an act to establish a State road from Flinn's old ferry, across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved the 25th of February, 1836, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Pratt,
Beatty,	Jasper,	Rice,
Burnett,	Jesup,	Schooling,
De Courcy,	Johnston,	Watkins,
Dixon,	May,	Willis,
Guthrie,	Nuttall,	Wingate—20.
Hanson,	Pitts,	

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Weller,
Clarke,	Tomlinson,	Wickliffe,
Ford,	Walker, J. V.	Young, S.—13.
James,		

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the duty of preparing and bringing in a bill to provide for building a bridge across Big Rennicks, near the mouth of Little Rennicks, in Cumberland county.

Mr. Hanson, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Estill and Pendleton counties, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the bounds of the seventh division of the Kentucky militia, and for other purposes :

An act for the benefit of the Sheriff of Madison county—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elias Dobson, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Clerk of the Scott Circuit Court:

An act for the benefit of the mechanics of Maysville:

An act for the benefit of the estate of Edmund Hall, deceased:

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes:

An act to change the venue in the case of John D. Perkins:

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson, and John Murdough, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act giving to officers, and crews, and mechanics, and others, a lien on steamboats.

An act for the benefit of the heirs of John T. Langhorne.

An act to authorize the Clerk of Trigg county to record certain deeds.

An act to amend the charter of the Shepherdsville and Louisville turnpike company.

An act for the benefit of Robert and Jane Middleton.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act to incorporate the Franklin Mining and Smelting Company.

An act to change the time of holding the Carter and Pike County Courts.

An act for the benefit of the heirs of John C. Self.

An act to amend the charter of the city of Louisville.

An act releasing James Squires from all liability upon his bond, executed to the Quartermaster General for arms in the year 1833.

An act to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky militia.

An act to authorize the Register of the Land Office to Register certain plats and certificates of survey, made in Warren county in 1838.

An act for the benefit of Harmon Hurst.

An act to make an addition to the town of Rochester, in Butler county.

An act for the benefit of the Sheriff of Adair county.

An act for the benefit of Joseph Allen.

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to allow an additional Justice of the Peace to Barren county.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Huston, from the committee of Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in the Stamping Ground precinct, in Scott county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting from the house of Henry Haynie, in Lawrence county, to that of James Rous, in said county, and to abolish an election precinct in Hardin county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Charity Taylor, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Engrossed bills of the following titles, viz:

An act for the benefit of Tabitha Hix:

An act to incorporate the Maysville Lyceum—were each read the third time.

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

The following bills were reported, viz:

By Mr. Beatty, from the committee of Education—1. A bill to incorporate the College of Dental Surgeons of Kentucky.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill to close up the old road over Muldrow's hill.

3. A bill to amend an act concerning the town of Hardinsburg.

By Mr. Willis, from the committee of Propositions and Grievances—4. A bill to change the time of holding the Hart Circuit Court.

By Mr. Huston, from the committee of Privileges and Elections—5. A bill to repeal the 22d section of an act, entitled, an act to guard the right of suffrage, and for other purposes, approved February 13th, 1828.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee on the Judiciary; the 4th to the committee of Propositions and Grievances, and the 2d, 3d and 5th were ordered to be engrossed and read a third time.

On the motion of Mr. Ford, leave was given to withdraw the petition of Martha Anderson.

And then the Senate adjourned.

SATURDAY, JANUARY 26, 1839.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment of the Senate, to a bill from that House, entitled, an act to establish the town of Rochester.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of Maria Waller, an idiot.

An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to amend the charter of Center College.

An act to provide a standard of weights and measures for the several counties of this State.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to change the name of Green Ruby to that of Green Kerley.

An act to amend the charter of St. Joseph's College.

An act for the benefit of Adam R. Walker.

An act to extend the powers of the trustees of the town of Burksville.

An act in relation to the roads in Clay and Perry counties.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., deceased.

An act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county.

An act to incorporate the trustees of Rock Spring Church.

An act allowing an additional Justice of the Peace to Oldham county.

That they had passed a bill from the Senate, entitled, an act to authorize Samuel Arnett to qualify as high Sheriff of Nicholas county.

And that they had passed a bill, entitled, an act altering a Constable's district in Wayne county.

Mr. De Courcy presented the petition of John B. Whitford, praying for the passage of a law releasing him and his securities from all liability on a bond, given to the Quarter Master General for the return of certain public arms—which was received and referred to the committee on Military Affairs.

Mr. Guthrie, from the committee on Banks, made the following report:

[*For this Report—see Appendix.*]

Which report was laid on the table, and the Public Printer ordered to print 400 copies thereof for the use of the Senate.

Mr. Hanson, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Matthew Elder, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Beatty, from the committee on Education, made the following report, viz:

The committee of Education, to whom was referred a resolution instructing them to inquire into the propriety of so amending the act establishing Common Schools, as to authorize a competent number of poor young men to be educated, at public expense, for teachers of Common Schools in this Commonwealth, and whether suitable endowments should not be made, with a view to attain that desirable object, to Transylvania University, the Southern, Cumberland, Centre, and Augusta Colleges, or to any other Colleges or literary institutions in the State, report:

That they have had that subject under consideration, and are fully persuaded that to give to the system of Common Schools the full advantages which it ought to possess, and to render it productive of the great and benevolent purposes designed to be accomplished by the system, it is *essentially* necessary that provisions should be made for securing the services of teachers, possessing the necessary qualifications, to take charge of the Common Schools of the State. At the commencement of the system, we shall necessarily have to encounter great difficulties on this subject. But it must be recollected that the system is intended as a permanent one; that if successful, it must continue through all time to come; hence it is proper to set about laying a firm foundation for a superstructure, which, though it will require years to complete it, is expected to last for ages. Competent and well instructed teachers are the very foundation of the whole system, and no pains or expense should be spared to accomplish this essential *desideratum*.

The committee are of opinion, that the great and essential object of securing competent and suitably qualified teachers, must be commenced either by establishing institutions *specially* for the purpose of training and preparing young men for teachers in our Common Schools; or that we should adopt, for that purpose, literary institutions which are already in successful operation. The latter mode will be much the most economical. And, as the expenditures necessary to carry out whatever plan may be adopted to secure competent and skillful teachers, for our Common Schools, must necessarily come out of the Common School Fund, the committee are of opinion, that as small a draft as is consistent with the accomplishment of the object, should be made upon that fund.

The committee will suggest the outline of a plan, which they believe, without too heavily burdening the School Fund, would be of great and essential benefit, in placing our Common School system, in the course of a few years, upon a very stable foundation.

There are at present eighty eight counties in the State. The committee propose that they shall be divided into eight districts, each district containing eleven counties. That whenever a new county shall be created, it shall compose a part of the district within which the greater part of the territory lay, out of which such new county shall have been formed. That these districts should be so laid off as to include, within each of them, one or more of the respectable literary institutions, now in successful operation in this State, whether under the name of a University, Colleges or Academies. That by law, and in pursuance of an arrangement made, some one of these literary institutions should be adopted, within each of the eight districts, for the education of young men as teachers in the Common Schools. That each county within the district shall have a right to send three young men to the literary institution, selected for the district. According to this plan, there would be thirty three young men selected from the whole district; making

the whole number from the State two hundred and sixty four. The committee propose that these young men shall be taught, without any charge for tuition, fees or books; and that they shall pay for their own board, which, including washing, fuel, candles, and all other incidental charges, shall not exceed a fixed and definite sum per week, during the actual time appropriated to study, in each year or session. The committee suppose that an arrangement could be made with some one of the literary institutions, in each of the districts, to furnish tuition and books for a sum not exceeding thirty or thirty five dollars for each scholar. At the former rate the whole charge upon the Common School Fund would be \$7,920 per annum. At the higher rate supposed, it would be annually \$9,240. This would be the amount of the *public* charge.

The committee are not in possession of the necessary information to enable them to express a certain opinion as to the price at which boarding could be had; but they entertain a hope, when the object is taken into consideration, that boarding could be obtained, in private families, either in the towns, or adjacent thereto, where these literary institutions shall be selected, at a price not exceeding \$—— per week. This would amount to a sum, annually, that would be somewhat onerous to young men, in moderate circumstances. But it is a difficulty incident to the plan, which the committee propose, and which cannot be overcome, without imposing too heavy a draft upon the School Fund. Suppose, for instance, that boarding could be procured for eighty dollars for the period during which instruction is given during the year. The cost for boarding 264 young men would be \$21,120, which, added to the cost of tuition and books, at the lowest rate herein supposed, would make the aggregate \$29,040. This would be more than half the amount of the entire annual proceeds of the Common School Fund. The committee feel it to be their duty not to recommend a system that would impose so heavy a charge upon a fund that is already too small to give such encouragement and impetus to the Common School System as is desirable. They entertain a sanguine hope, however, that there will be no difficulty in procuring the requisite number of young men, from each county, to be taken from those who are in moderate circumstances, as contemplated by the resolution under which this report is made. The committee would recommend that the three young men, from each county, shall be selected by the county commissioners for school purposes; the said commissioners to take from each of them a written pledge, according to the form prescribed by the Board of Education, that they will teach a Common School, in the county from which they respectively came, at least — years next after they shall have left the school in which they were taught, or such portion of said time as they should be able to get employment as a teacher, and stipulating that, in case of his failure to do so, he would pay to the county commissioners, for the use of the Common Schools of the county, the sum of \$200, by way of stipulated damages. This contract should be declared valid by law, although executed by a minor; and the parent or guardian of the student, if any he have, should also be required to sign the said written pledge or obligation. The county commissioner should issue a certificate, in such form as the Board of Education may prescribe, to the parties who shall have been selected, which should entitle such scholars to admittance, under such rules and regulations, and for such time as the Board of Education might direct. Full returns of all such selections should be made to the Board of Education;

and they should be vested with authority to direct that additional selections should be made, from time to time, to supply the places of those who shall have finished the prescribed course, or from other causes shall have quit their studies.

The proposed plan embraces only the education of 264 students *at one time*; but, as others would take the place of these, so soon as they shall have finished their course, the process of selecting and educating young men might be carried on, so long as it might be found expedient. In a few years the Common Schools themselves would be able to turn out competent and skillful teachers, when the draft upon the school fund, to carry out the plan herein suggested, might be discontinued, and thenceforward the entire school fund appropriated to the support of Common Schools.

The committee have endeavored to make an estimate of the probable number of teachers that would be necessary to take charge of the Common Schools of this Commonwealth. The school districts would probably average, taking the whole State together, five miles square, containing each twenty five square miles; and, estimating the State to contain forty three thousand square miles, the number of school districts would be 1720. But, as there are considerable portions of the mountainous parts of the State without population, the number of school districts will probably not exceed fifteen hundred. If two years be necessary to educate young men so as to qualify them for teachers, in the Common Schools, it would require about eleven years to supply one for each school district. But, as Common Schools, at the commencement of the system, will probably not be kept more than four or five months in the year, one teacher may, in many instances, attend two schools. And, as the Common Schools will themselves, in the course of a few years, begin to turn out scholars, who will be qualified for teachers, a hope may be indulged, that in five or six years, our Common Schools will be so well supplied with qualified and skilful teachers, as to enable those schools to keek up a sufficient supply.

It does not, perhaps, devolve upon the committee to say any thing in relation to the particular course through which the candidates for teachers should pass. They cannot, however, forbear to remark, that the success of the Common School system depends very much upon the foundation that shall be laid. The teachers first turned out ought to give an impetus to the whole system. They should, therefore, lay broad and deep the foundation upon which they are to build. Their education should be such as to give them a high and honorable standing in society. Besides reading, writing, orthography and common arithmetic, which the candidates should understand, to some extent, before they are admitted into College, they should be taught English grammar, geography, astronomy, surveying, common mensuration, trigonometry, book-keeping, &c., and also natural and moral philosophy. And these and other useful branches of learning could be easily acquired in two years. Ancient and modern languages, the higher branches of mathematics, logic, rhetoric, mental philosophy, chemistry, geology, &c., might be dispeased with, unless time should be afforded, within the two years, to acquire a knowledge of some of these branches. The scholar who intends to become a teacher, should also be well grounded in the principles of our National and State governments, as remarked by your committee in another report in relation to Common Schools.

As the Common School system has not yet been adopted, the committee are of opinion it would be premature to attempt to carry out the plan, suggested in this report, by the passage of an act at the present session. Besides the Legislature could not act understandingly on this subject, until the information is obtained, which is contemplated by this report. If the bill should become a law, which is now depending before the Senate, in relation to the Common School system, we may reasonably hope that many, if not all the counties, will adopt the system before the next session. In the mean time, for the purpose of preparing the way for efficient action, on this subject, at the next session, the committee recommend the adoption of the following resolutions.

Resolved, That the Board of Education, through their President, be requested to take the necessary steps to ascertain what number of Colleges and Academies, having two or more professors, are in successful operation in each Congressional district in this State.

Resolved, That the said board correspond with the President or Chairman of the Board of Trustees of such Colleges and Academies as they may be of opinion would be well qualified to give instruction to young men, preparatory to their becoming teachers of Common Schools, in the several branches of academical education, contemplated by the foregoing report, and such others as the Board may deem expedient, as to the terms upon which said institutions would find books and teach each scholar per annum, in the several branches which shall be proposed by said Board; and also as to the lowest price that board could be had for, in decent private families, or in College commons, including fire, candles, washing and lodging. And that the said Board obtain similar information from Transylvania University. The number of scholars to be thirty three, or thereabouts, and to continue for the term of two years.

Resolved, That the Board of Education be requested to make report during the first week of the next session, of such information as they may be able to obtain, in pursuance of the foregoing resolution; and that the said Board also report a general system for the education of young men, in pursuance of the outlines suggested in the foregoing report.

The said report was placed in the orders of the day, and the Public Printer directed to print 1500 copies thereof for the use of the General Assembly.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act entitled, an act to amend the militia law of this State, reported the same with the opinion of the committee that it ought not to pass.

On the motion of Mr. Rice, the said bill was recommitted to the committee on Military Affairs.

Mr. Jesup, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Elisha C. Hampton:

An act for the benefit of Charles S. Gatewood, and others:

An act for the benefit of the Madison Troop of Cavalry—reported the same without amendment.

Ordered, That the said bills be read a third time.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Ballinger—1. A bill for the benefit of the heirs and legal representatives of Wesley M. Garnett, John Faulkner and John Bates, deceased.

On the motion of Mr. May—2. A bill to establish a State road from Irvine, in Estill county, to the mouth of Troublesome, in Perry county.

On the motion of Mr. Wingate—3. A bill to authorize the building a bridge across Main Elkhorn, where the road from Frankfort to Owenton crosses the same.

On the Motion of Mr. Ford—4. A bill to declare Gasper river and Drake's creek navigable streams, and for other purposes.

The committee on Military affairs was directed to prepare and bring in the 1st; the committee of Internal Improvement the 2d and 3d, and Messrs. Ford, Pitts and James were appointed a committee to prepare and bring in the 4th.

On the motion of Mr. Huston, leave of absence from the service of the Senate was given to Mr. J. S. Morgan until Tuesday next.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill to amend the law of petitions, and summons, and actions on joint contracts.

2. A bill to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

By Mr. Clarke, from a select committee—3. A bill for the benefit of James G. Pitts.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 2d were referred to the committee on the Judiciary, and the 3d to the committee of Internal Improvement.

Ordered, That the Public Printer print 150 copies of the 1st bill for the use of the General Assembly.

On the motion of Mr. Guthrie, the committee of the whole was discharged from the further consideration of a bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time, and the said bill was placed in the orders of the day.

On the motion of Mr. Pitts, the Senate receded from the amendment proposed by them to a bill from the House of Representatives, entitled, an act to establish the town of Rochester.

Engrossed bills of the following titles, viz:

An act to close up the old road over Muldrow's hill:

An act to amend an act concerning the town of Hardinsburg—were each read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as afore-said.

An engrossed bill, entitled, an act to repeal the 22d section of an act, entitled, an act to guard the right of suffrage, and for other purposes, approved February 13th, 1828, was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the twenty second section of an act, entitled, an act to guard the right of suffrage, and for other purposes, approved February 13th, 1828, as provides that any person receiving a *bribe or treat*, from any candidate for the office of Governor, Lieutenant Governor, member of Congress; Senator, or Representative in the State Legislature, shall, in no instance, be a competent witness against the person accused of such *bribing or treating*, be, and the same is hereby, repealed.

Mr. Ballinger moved to recommit the said bill to the committee of Privileges and Elections, with instructions to amend the same by striking out so much thereof as relates to bribing.

The question being taken thereon, in was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis, and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	De Courcy,	Walker, J. V.
Barlow,	Nuttall,	Watkins,
Beatty,	Rice,	Weller—10.
Davidson,		

Those who voted in the negative were—

Messrs. Bradshaw,	James,	Schooling,
Burnett,	Jasper,	Tomlinson,
Clarke,	Jesup,	Wallace,
Dixon,	May,	Willis,
Ford,	Morgan, D.	Wingate,
Guthrie,	Murrell,	Young, A.
Hanson,	Pitts,	Young, S.—23.
Huston,	Pratt,	

The question was then taken on the passage of the said bill, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Ballinger and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	De Courcy,	Rice—4.
Davidson,		

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Tomlinson,
Beatty,	James,	Walker, J. V.
Bradshaw,	Jasper,	Wallace,
Burnett,	Jesup,	Watkins,
Clarke,	Morgan, D.	Weller,
Dixon,	Murrell,	Willis,
Ford,	Pitts,	Wingate,
Guthrie,	Pratt,	Young, A.
Hanson,	Schooling,	Young, S.—27.

A bill to amend the law concerning the action of trespass, was taken up in the orders of the day, and amended.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Ford,	Pitts,
Barlow,	Guthrie,	Rice,
Beatty,	Hanson,	Schooling,
Bradshaw,	James,	Walker, J. V.
Burnett,	Jasper,	Wallace,
Clarke,	May,	Weller,
Davidson,	Murrell,	Wingate,
De Courcy,	Nuttall,	Young, A.—24.

Those who voted in the negative were—

Messrs. Dixon,	Jesup,	Young, S.—5.
Huston,	Tomlinson,	

A bill from the House of Representatives, entitled, an act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, was read a third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and between the Anderson line and a point five miles towards Harrodsburg."

And then the Senate adjourned.

MONDAY, JANUARY 28, 1839.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled an act to repeal the law allowing ferry keepers to keep tavern without licence.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to authorize a sale of the Seminary lands of Wayne county.

An act giving Harris W. Thompson, late deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act for the benefit of Mason W. Sherrill.

An act for the benefit of the Sheriff of Green county.

An act for the divorce of Sarah Jane Phelps.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act for the benefit of the Spencer county Seminary.

An act for the benefit of the Lunatic Asylum.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent list of revenue tax for 1838.

With an amendment to each of the two last named bills—which were concurred in.

And that they had passed bills of the following titles, viz:

1. An act for the divorce of John Bowden.

2. An act for the divorce of Nancy A. Grant.

3. An act for the divorce of Lucy Graves.

4. An act to repeal the law authorizing the County Court of Hardin to sell the Poor House land.

5. An act for the divorce of Daniel S. Shacklett.

6. An act for the benefit of Andrew Orr and Caroline Orr.

7. An act for the benefit of Abraham Kightly.

8. An act for the benefit of the heirs and representatives of Robert Branham and John Samuel.

9. An act for the benefit of William P. Neal and others.

10. An act for the benefit of the estate of Lewis Fible.

11. An act to incorporate the trustees of the Republican School, in Bracken county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dis-

pensed with, the 1st, 2d, 3d and 5th were referred to the committee of Religion; the 4th to the committee of Propositions and Grievances; the 6th to the committee of Finance; the 7th, 8th and 9th to the committee on Military Affairs; the 10th to the committee on the Judiciary, and the 11th to the committee of Education.

1. Mr. Burnett presented the petition of sundry citizens of the town of Cadiz, in Trigg county, praying for the passage of a law discontinuing a street, and reducing the width of another street in said town.

2. The petition of the securities of the Sheriff of Livingston county, praying that further time may be allowed to the said Sheriff to pay into the Treasury the balance of the revenue of said county.

3. Mr. Pratt presented the petition of some of the members of the Scott County Court, praying that an additional allowance may be made to the Clerk of said court for transcribing certain records.

4. Mr. Rice presented the petition of sundry citizens of Greenup county, praying that the salary of Walker Reid may be the same as other Circuit Judges.

5. Mr. S. Young presented the petition of Milton Young and Mariah, his wife, who is under 21 years of age, praying for the passage of a law authorizing them to convey a tract of land in Washington county, which descended to the said Mariah from her deceased farther.

6. Mr. Barlow presented the petition of E. F. Bowles, and others, securities of John M. Emerson, late Sheriff of Cumberland county, praying for the passage of a law releasing them from the payment of the interest, or damages recovered against them in the General Court by the Commonwealth.

The said petitions were received and referred, the 1st to the committee of Propositions and Grievances; the 2d and 6th to the committee of Finance, and the 3d, 4th and 5th to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary have had under consideration the petition of Henry Enders and John Hynes, of Paducah, praying the Legislature to appropriate the sum of \$2,400 to replace that amount which was in their hands, belonging to the Paducah Dock Company, and burnt on the 3d of May, 1838, with other property of theirs, and which they say the Dock Company owed to the Board of Internal Improvement of McCracken county. The committee are of opinion that there is no principle of law or equity, on which a claim can be set up against the Commonwealth to indemnify the petitioners, and that the petition be rejected.

Which was concurred in.

Mr. Willis, from the committee of Propositions and Grievances to whom

was referred bills from the House of Representatives of the following titles, viz:

An act to extend the Constable's district for the town of Salvisa, in Mercer county:

An act to allow and additional Justice of the Peace for Nelson county—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the same committee, to whom was referred a bill to change the time of holding the Hart Circuit Court, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act to change the time of holding certain Circuit Courts, and for other purposes.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The following bills were reported, viz:

By Mr Guthrie, from the committee on the Judiciary—1. A bill to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

2. A bill to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved 14th of January, 1838.

By Mr. Beatty, from the committee of Education—3. A bill to incorporate the Transylvania Institute, and for other purposes.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were ordered to be engrossed and read a third time, and the 3d was placed in the orders of the day, and the Public Printer ordered to print 150 copies thereof for the use of the General Assembly.

Two messages, in writing, were received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, January 28th, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Philip B. Cooper, to be Sheriff of the county of Marion, in place of Jereboam Beauchamp, resigned.

JAS. CLARK.

EXECUTIVE DEPARTMENT, }
Frankfort, January 28, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Elijah Combs, to be Major General of the 12th Division, in place of William Smith, resigned.

Lucius Desha, to be Brigadier General of the 4th Brigade, in place of William P. Sutton, resigned.

Absalom Ashcraft, to be Brigadier General of the 23d Brigade, in place of Blancit Shacklett, resigned.

James G. Hardy, to be Colonel of the 45th Regiment, in place of James Cummins, resigned.

John Pedigo, to be Major of the 45th Regiment, in place of Robert M. Fields, resigned.

John M. Bacon, to be Lieutenant Colonel of the 51st Regiment, in place of John W. Williams, resigned.

Hiram R. Stafford, to be Major of the 51st Regiment, in place of Burr H. May, stricken off to the 117th Regiment.

John D. Mannon, to be Colonel of the 61st Regiment, in place of William Dolton, removed.

George Allen, to be Lieutenant Colonel of the 61st Regiment, in place of John D. Mannon, if promoted.

Arthur Fox, to be Major of the 61st Regiment, in place of George Allen, if promoted.

William Smith, to be Major of the 79th Regiment, in place of Thomas Moore, removed.

Robert Lawson, to be Major of the 85th Regiment, in place of Peter Courtney, refused to accept.

Samuel A. Philpott, to be Colonel of the 103d Regiment, in place of Absalom Ashcraft, if promoted.

John H. McGehu, to be Lieutenant Colonel of the 103d Regiment, in place of Samuel A. Philpott, if promoted.

William Sherer, to be Major of the 103d Regiment, in place of John H. McGehu, if promoted.

Francis Lemaster, to be Colonel of the 110th Regiment, in place of Joseph R. Ward, removed.

Bryan Fannin, to be Lieutenant Colonel of the 110th Regiment.

Ralph Stewart, to be Major of the 110th Regiment, in place of Francis Lemaster, if promoted.

James Wellin, to be Major of the 101st Regiment, in place of Thomas J. Macy, resigned.

Barnard Dougherty, to be Colonel of the 22d Regiment, in place of Victor Monroe, removed.

James M. Sullivan, to be Lieutenant Colonel of the 22d Regiment, in place of William A. Gorham, resigned.

Albert G. Hodges, to be Major of the 22d Regiment, in place of Fielding L. Tracy, resigned.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments, except to that of Bernand Dougherty, to be Colonel of the 22d Regiment, and the nomination of the said Dougherty was referred to the committee on Military Affairs.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of the Sheriff of Lawrence county.

An act providing that certain legacies and devises shall not lapse.

An act to continue in force an act to allow the Independent Banks of this Commonwealth, further time to collect and settle their concerns, approved January 4, 1836, and for other purposes.

An act for the benefit of the Sheriffs of Owen and Butler counties.

An act for the benefit of Matthew Reid, and the infant children of Samuel M. Smith, deceased.

Approved January 17, 1839.

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior court, and executions to issue in certain cases.

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

An act to amend an act, entitled, an act for the benefit of William Butler, Clerk of the Monroe County Court, approved 5th January, 1839.

Approved January 21, 1839,

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown.

An act to allow an additional Justice of the Peace to Barren county.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to make an addition to the town of Rochester, in Butler county.

An act for the benefit of the heirs of John T. Langhorne.

An act to amend the charter of the Shepherdsville and Louisville turnpike company.

An act to authorize the Clerk of Trigg county to record certain deeds.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act for the benefit of Robert and Jane Middleton.

An act to incorporate the Franklin Mining and Smelting Company.

An act to change the time of holding the Carter and Pike County Courts.

An act to amend the charter of the city of Louisville.

An act for the benefit of the heirs of John C. Self.

An act to legalize the proceedings of the Court of Assessment of the 16th regiment of Kentucky militia.

An act releasing James Squires from all liability upon his bond, executed to the Quartermaster General for arms in the year 1833.

An act for the benefit of Harmon Hurst.

An act to authorize the Register of the Land Office to Register certain plats and certificates of survey, made in Warren county in 1838.

An act for the benefit of Joseph Allen.

An act for the benefit of the Sheriff of Adair county.

An act giving to officers, and crews, and mechanics, and others, a lien on steamboats.

Approved January 28, 1839.

On the motion of Mr. Weller, leave was given to withdraw the petition of Sabrina Matlock.

An engrossed bill, entitled, an act to amend the law concerning the action of trespass, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Schooling,
Barlow,	Jasper,	Walker, C. J.
Beatty,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Burnett,	Murrell,	Watkins,
Clarke,	Nuttall,	Weller,
Davidson,	Pitts,	Willis,
De Courcy,	Pratt,	Wingate,
Ford,	Rice,	Young, A.—28.
Guthrie,		

Those who voted in the negative were—

Messrs. Dixon,	Jesup,	Young, S.—5.
Huston,	Tomlinson,	

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the place of voting from the house of Henry Haynie, in Lawrence county, to

that of James Rous, in said county, and to abolish an election precinct in Hardin county, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act in relation to certain election precincts in Lawrence and Hardin counties.

Bills from the House of Representatives of the following titles, were severally read the third time, viz:

An act for the benefit of Charles S. Gatewood, and others.

An act for the benefit of the Madison Troop of Cavalry.

An act for the benefit of Elisha C. Hampton.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled an act altering a Constable's district in Wayne county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. Nuttall, the resolution fixing a day for the adjournment of the General Assembly was taken up.

Mr. De Courcy moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Ford,	Wallace,
Clarke,	May,	Young, A.
Davidson,	Pratt,	Young, S.—10.
De Courcy,		

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Schooling,
Bradshaw,	Jesup,	Tomlinson,
Burnett,	Morgan, D.	Walker, C. J.
Dixon,	Murrell,	Walker, J. V.
Guthrie,	Nuttall,	Watkins,
Huston,	Pitts,	Weller,
James,	Rice,	Wingate—21.

The said resolution was amended by striking out the 15th of February, as the day of adjournment.

Mr. Wingate moved to fill the blank with the 22d.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Clarke,	Jesup,	Wallace,
Davidson,	May,	Watkins,
De Courcy,	Nuttall,	Weller,
Ford,	Pitts,	Wingate,
James,	Pratt,	Young, A.—15.

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Schooling,
Beatty,	Jasper,	Tomlinson,
Bradshaw,	Morgan, D.	Walker, C. J.
Burnett,	Murrell,	Walker, J. V.
Dixon,	Rice,	Young, S.—16.
Guthrie,		

Mr. Guthrie moved to refer the said resolution to a committee.

When Mr. Murrell moved to lay it on the table.

The question being taken on laying it on the table, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Pratt,
Barlow,	James,	Wallace,
Burnett,	Jesup,	Watkins,
Clarke,	May,	Weller,
Davidson,	Murrell,	Willis,
De Courcy,	Nuttall,	Young, A.
Dixon,	Pitts,	Young, S.—21.

Those who voted in the negative were—

Messrs. Beatty,	Jasper,	Tomlinson,
Bradshaw,	Morgan, D.	Walker, C. J.
Ford,	Rice,	Walker, J. V.
Huston,	Schooling,	Wingate—12.

Mr. Jesup moved the following resolution, viz:

Resolved, That the committee on *Internal Improvement* be instructed to inquire into the expediency of erecting an Arsenal for the safe keeping of the public arms, and that they report by bill or otherwise.

The said resolution was amended by striking out "Internal Improvement," and inserting in lieu thereof, "Military Affairs," and adopted.

And then the Senate adjourned.

TUESDAY, JANUARY 29, 1839.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills of the following titles, viz:

1. A bill prescribing the duties of the Keeper and Clerk of the Penitentiary:
2. A bill to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State, reported the same with amendments to each—which were concurred in.

The first bill was placed in the orders of the day, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

Ordered, That the second bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the estate of Lewis Fible:

An act altering a Constable's district in Wayne county—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred the petition of some of the Justices of the Peace of Scott county, praying that an additional allowance may be made to the Clerk of the County Court of said county for copying certain records—reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that House of the following titles, viz:

An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act to establish the town of Pleasant Hill, in Calloway county.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

An act to allow an additional Constable to the counties of Spencer and Calloway.

An act to allow an additional Justice of the Peace to the county of Clay.

An act to allow an additional Constable to the county of Logan.

An act for the benefit of the heirs and representatives of Eliza Murray, deceased.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act for the benefit of Willie Sugg.

An act abolishing an election precinct in Casey county.

An act to establish an election precinct in the county of Allen.

An act for the benefit of the Sheriff of Muhlenburg county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Sheriff of Calloway county.

An act to incorporate the town of Francisburg, in Union county.

An act allowing further time to enter and survey Kentucky land warrants and to return plats and certificates of survey.

An act for the benefit of Mary Kimes.

An act for the benefit of Henry G. A. Blankman.

An act for the benefit of Keziah Craycraft.

An act for the benefit of Henry Clay, Jr.

An act for the benefit of John Cobb, Hezekiah Willis, Perry Waters and Shepherd Burch.

An act to change the names of James Jameson and George Rook.

A resolution giving to the members of the Board of Internal Improvement the use of the books in the public Library.

Approved January 17, 1839.

An act for the benefit of George O. Stovall.

An act for the benefit of John W. Flora.

An act concerning the Meade Circuit Court.

An act authorizing the appointment of a county Treasurer for Pendleton county.

An act supplementary to an act, approved the 12th of February, 1838, for the benefit of Isaac Young.

An act to amend an act to establish a ferry across the Ohio river at Paducah.

An act for the benefit of the citizens of Springfield.

An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

An act to authorize the trustees of Paris to sell a certain lot and street therein

An act for the benefit of Joseph R. Perkins and Mary P., his wife.

An act to reduce the bounds of the town of Brownsborough.

An act authorizing the trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

An act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion.

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act for the benefit of the trustees of the jury fund in this Commonwealth, and for other purposes.

An act to preserve the original manuscript of the annual messages of the Governors of this State.

An act for the benefit of Thomas J. Paris.

Approved January 21, 1839.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to provide for running the line between Marion and Washington counties, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Willis, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the name of Jane Wright to that of Jane Dodd:

An act to establish the town of Frederick, in Barren county:

An act to repeal the law authorizing the County Court of Hardin to sell the Poor House land—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the same committee, to whom was referred the petition of sundry citizens of Smithland, praying that the trustees of said town may be authorized to license coffee houses, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Beatty, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the trustees of the Republican School, in Bracken county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The following bills were reported, viz:

By Mr. Willis, from the committee of Propositions and Grievances, viz:
A bill to authorize the Scott County Court to impose an additional county levy:

A bill to amend the law in relation to divorces.

Which bills were read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,
Ordered, That the said bills be engrossed and read a third time.

Mr. De Courcy, from the committee appointed for that purpose, reported a bill for the benefit of the jailer of Campbell county, which was read the first time.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Beatty—1. A bill for the benefit of Harrison Rankin, and wife and children.

On the motion of Mr. Huston—2. A bill for the benefit of the widow and heirs of Stephen Gilbert, deceased.

On the motion of Mr. James—3. A bill to incorporate a company to erect a hotel in the town of Hickman.

On the motion of Mr. Willis—4. A bill to reduce the salaries of the principal and assistant Engineers of this State.

Messrs. Beatty, J. S. Morgan and Wingate were appointed a committee to prepare and bring in the 1st; Messrs. Huston, Johnston and Rice the 2d; Messrs. Willis, Dixon and A. Young the 4th, and the committee on the Judiciary was directed to prepare and bring in the 3d.

On the motion of Mr. Watkins, the committee of Internal Improvement was discharged from the further consideration of the petition of sundry citizens, praying for the passage of a law incorporating the town of Springville, and leave was given to withdraw the said petition.

Mr. Beatty, from the committee appointed for that purpose, reported a bill for the benefit of Harrison Ranking, and wife and children.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bill be engrossed and read a third time.

Mr. Pitts offered the following resolution, viz.

Resolved, That the Board of Internal Improvement report to the Senate whether any rates of toll have been fixed to be collected from boats passing through the locks on Green river, and if any, report to the Senate what they are.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to amend an act to establish a system of Common Schools in the State of Kentucky, and had

gone through the same, and made some amendments thereto, which he handed in at the Clerk's table.

A part of said amendments were concurred in, and the bill with the other amendments was referred to the committee on Education, with instructions to report a bill providing for the investment of the interest arising on the School Fund, in profitable stocks.

And then the Senate adjourned.

WEDNESDAY, JANUARY 30, 1839.

The Speaker laid before the Senate the following report, viz:

OFFICE OF BOARD OF INTERNAL IMPROVEMENT, }
30th January, 1839. }

In answer to the resolution of the Senate of yesterday, calling on the Board of Internal Improvement for information in relation to the rates of toll, if any, fixed by them, to be collected from boats passing through the locks on Green river, I beg leave to report the inclosed orders of the Board, as containing all the action they have had on the subject.

Very respectfully,

Your obedient servant,

AUSTIN P. COX,
Secretary Board In't. Im't.

Hon. C. A. WICKLIFFE,
Speaker of the Senate.

OFFICE OF BOARE OF INTERNAL IMPROVEMENT, }
25th October, 1838. }

Two of the locks and dams on Green river are about being completed, so that the same can be used for purposes of navigation; by reason whereof, it becomes the duty of this Board to fix the rates of toll to be collected from persons navigating said river, so far as slackwater extends—wherefore,

Resolved, that the following rates of toll be established for the present, viz:

For every flatboat, six dollars at each lock.

For every steamboat, twelve and a half cents per ton, according to measurement, and thirty seven and a half cents for each passenger above ten years of age, at each lock.

JANUARY 25, 1839.

Ordered, That for the present, the lock keepers on Green river be directed to charge only one half tolls, as fixed by order of this Board, on 25th October last.

Copied from the minutes.

AUSTIN P. COX,
Secretary Board In't. Im't.

Ordered, That the said report be referred to the committee of Internal Improvement.

A message was received from the House of Representatives, announcing the passage of bills from the Senate of the following titles, viz:

An act for the benefit of the estate of Guthrie Morris.

An act providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others—with amendments to each.

And that they had passed bills of the following titles, viz:

An act to establish the county of Breathitt.

An act to incorporate the town of Port Royal.

Mr. Willis presented the petition of Christian Sandridge and John Gooch, praying that an additional Justice of the Peace may be allowed to the county of Green.

Which was received and referred to the committee of Propositions and Grievances.

On the motion of Mr. J. S. Morgan, leave was given to withdraw the petition of Joseph Shropshire, praying for a divorce from his wife.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Andrew Orr and Catharine Orr, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred the petition of the securities of the Sheriff of Livingston county, praying that further time be given to said Sheriff to pay into the Treasury the balance of the revenue of said county, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Jesup, from the committee on Military Affairs, to whom was referred the nomination of Bernard Dougherty, to be Colonel of the 22d Regiment, in the place of Victor Monroe, removed, reported the following resolution thereon, viz:

Resolved, That the Senate do not advise and consent to the said appointment.

Which was concurred in.

Mr. Jesup, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of William P. Neal and others:

An act for the benefit of Abraham Kightly, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the com- had examined an enrolled bill, entitled, an act to authorize Samuel Arnett to qualify as high Sheriff of Nicholas county, and had found the same truly enrolled.

The said bill being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The following bills were reported, viz:

By Mr. Huston, from the committee of Privileges and Elections—1. A bill to establish an election precinct in the town of Lovelaceville, in McCracken county.

By Mr. Willis, from a select committee—2. A bill to reduce the salaries of the principal and assistant Engineers, and for other purposes.

By Mr. Ford, from a select committee—3. A bill declaring Gasper river, in Warren county, a navigable stream.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The constitutional rule as to the second reading of the 2d and 3d bills being dispensed with, the 2d was referred to the committee of the whole House on the state of the Commonwealth, and made the order of the day for Wednesday next, and the third was referred to the committee of Internal Improvement.

Mr. Pitts read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That to effect a safe, judicious and wholesome Legislation, it is inexpedient for any member of the Legislature to be a contractor for the improvement of the roads or rivers of this Commonwealth; and that the Board of Internal Improvement be instructed to prohibit any contract to be let, hereafter, to any member of the Senate or House of Representatives.

On the motion of Mr. Nuttall, leave was given to bring in a bill to change the name of Mary Roberts to that of Mary Clifton.

Messrs. Nuttall, Wickliffe and Johnston were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill for the benefit of the Lexington and Ohio Railroad Company, and had gone through the same, and made an amendment thereto, which he handed in at the Clerk's table.

The said amendment was concurred in.

And then the Senate adjourned.

THURSDAY, JANUARY 31, 1839.

A message was received from the House of Representatives, announcing that they had passed bills which originated in the Senate of the following titles, viz:

An act for the benefit of Edward McCoy and William Crabtree.

An act to amend an act to provide against compounding penal prosecutions, approved February 3d, 1837.

An act for the benefit of Margarette B. White.

An act to incorporate the Louisville Law Library Company.

An act for the benefit of Joseph Dawson.

An act for the benefit of the heirs of Ruth and Polly Pointer.

An act to provide for rebinding certain record books of the Shelby County Court.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act for the benefit of the heirs of Francis Blaydes, deceased.

An act to amend an act incorporating the Stockholders of the Merchants' Louisville Insurance Company.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved February 16, 1838.

An act to repeal the 10th section of an act to incorporate a Fire Company in the town of Cynthiana, and for other purposes, approved January 27, 1838.

An act further regulating the duties of Clerks of Circuit Courts.

An act for the benefit of Anderson Dunn and Isaac Hemingway.

With amendments to the two last named bills.

And that they had passed bills of the following titles, viz:

An act concerning the towns of Warsaw and Monticello.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

An act to amend an act, entitled, an act for the benefit of the heirs of Aaron Foreman, deceased.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act for the benefit of William Herd.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of James W. Bowers, jailer of Campbell county.

An act providing for a change of venue in the prosecution against Ebenezer W. Loverett.

1. Mr. C. J. Walker presented the petition of David Thomas, praying for compensation for pursuing a fugitive from justice to the State of Missouri.

2. The petition of John Martin, praying for compensation for his services and expenses in pursuing a fugitive from justice to the State of Missouri.

3. Also the petition of Charles Kirtley, and others, praying for the passage of a law authorizing the County Court of Rockcastle to grant him a license to keep a coffee house.

4. Mr. Schooling presented the petition of sundry citizens of Washington county, praying that there may be allowed to said county an additional Justice of the Peace and Constable.

Which were received and referred, the three first to the committee of Finance and the last to the committee of Propositions and Grievances.

Mr. Guthrie, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary have had under consideration the petition of John Ortkies and Catharine, his wife. The marriage of the parties

living, the first husband was null and void in law; but the issue of such a marriage by the 19th section of the act, entitled, an act directing the course of descents, approved December 24th, 1790, is declared legitimate, and of course there is no need of legislation to make the child legitimate; and as the first husband is now dead, there is no reason why the parties may not now lawfully marry, and no need of a law to authorize it. The committee, therefore, ask to be discharged from the further consideration of the petition.

The said committee was discharged.

Mr. Guthrie, from the same committee, to whom was referred the following bills, viz:

1. A bill to incorporate the College of Dental Surgeons of Kentucky:
2. A bill to amend the charter of the Logan, Todd and Christian Turnpike Road Company:
3. A bill to amend the law of petition and summons, and actions on joint contracts—reported the 1st and 2d with amendments, which were concurred in, and the 3d without amendment.

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the divorce of Daniel S. Shacklett:
2. An act for the divorce of John Bowden:
3. An act for the divorce of Lucy Graves—reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the 1st and 2d bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Ordered, That the third bill be read a third time.

Mr. Wingate, from the same committee, to whom was referred the petition of Jeremiah Sullivan, praying to be restored to the rights and privileges of an unmarried man, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of the estate of Franklin C. Aaveril.

2. A bill for the benefit of Patsey Jane, and Daniel Hazelwood.

By Mr. Willis, from the committee of Propositions and Grievances—3. A bill to allow an additional Justice of the Peace to Green county.

By Mr. Ballinger, from the committee of Internal Improvement—4. A bill to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved February 17th, 1836.

5. A bill further to provide for the internal improvement of the Commonwealth.

By Mr. Johnston, from the committee of Finance—6. A bill for the benefit of John M. Emerson and his securities.

By Mr. Ford, from a select committee—7. A bill to change certain Judicial Districts in this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d and 4th were ordered to be engrossed and read a third time; the 5th was placed in the orders of the day; the 7th was laid on the table, and the Public Printer ordered to print 150 copies of the 5th and 7th for the use of the General Assembly.

The constitutional rule as to the second and third readings of the sixth bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement. to whom was referred a bill from the House of Representatives, entitled, an act to repeal all laws declaring Little river a navigable stream, above Alexander's Ford, and for other purposed, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, the question taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jesup,	Walker, J. V.
Burnett,	May,	Wallace,
De Courcy,	Murrell,	Watkins,
Dixon,	Nuttall,	Weller,
Guthrie,	Pitts,	Willis,
Huston,	Rice,	Wingate,
James,	Schooling,	Young, A.—23.
Jasper,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Ballinger,	Davidson,	Morgan, J. S.
Beatty,	Ford,	Wickliffe,
Bradshaw,	Johnston,	Young, S.—10.
Clarke,		

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to establish the county of Breathitt, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee of Propositions and Grievances.

MR. BEATTY, from the committee of Education, to whom was referred the memorial of the committee of the Kentucky State Agricultural Society, praying the passage of a law "establishing and endowing a School of Agriculture for the state of Kentucky, in which the theory and practice, the science and art of Agriculture, in all its departments, may be thoroughly taught to the sons of the State, who may desire a finished education to fit them to pursue, intelligently and successfully, the dignified and independent profession of husbandry," beg leave to report:

That they entirely concur in the opinion that the application of *science* to practical husbandry would not only tend to increase the agricultural products of the country, whilst, at the same time, it would be enriching and fertilizing the soil, but would also give increased dignity and importance to the occupation of husbandry. That *science*, applied to practical husbandry will, at the same time, fertilize the soil and increase its products, is no longer matter of theory. The fact has been so fully demonstrated by *experience*, the surest of all tests, that it has ceased to be a debatable point in those countries in which the experiment has been fairly made. If the *practical results* of the application of science to husbandry were exhibited to the view of our intelligent farmers, there would be no difficulty in convincing them. They would have nothing to do but to follow the example of those around them, whose improved methods had come within their own observation. Seeing the *practical results* of those improved methods of husbandry to be at once an *increased* product, and an *increased* fertility in the soil, they could not do otherwise than follow an example, which would so greatly promote their permanent interests. But practical results, exhibited on a European theatre, cannot be brought under the immediate inspection of our farmers. Hence the necessity of exhibiting to their view, the philosophical principles upon which the science of agriculture depends, and of rendering those principles familiar, by well conducted schools of agriculture, where theory and practice might progress *pari passu*. Such schools would have a tendency to diffuse and render popular these improved methods, and the reasons and principles upon which they are founded, as well as to exhibit their practical results.

The productiveness or unproductiveness of the soil, depends upon the elements of its composition. If those elements abound which afford the *pabulum* or food necessary for the particular crop which is intended to be grown upon the soil, it may be expected that the crop will flourish and yield abundantly. If there be a scarcity of the elements which furnishes the peculiar or appropriate food for the intended crop, the yield will be proportionably small. But although a particular soil may be deficient in the elements suitable to one crop, it may abound in those which furnish the appropriate

pabulum for another. Hence it is necessary that there should be a fitness or adaptation of the soil to the particular vegetable or crop which is to be grown upon it. Again, a soil may possess an abundance of those elements which are suitable for the food of a particular vegetable or other crop; but by growing the same crop, for a succession of years, upon the same ground, the pabulum most appropriate for such crop, may become so much exhausted as to furnish only a *stinted* supply to it, and hence its produce will be small. The elements suitable for a different crop, may, however, exist in abundance; and hence the advantage, and, in some instances, the absolute necessity for a *rotation* in crops. The correctness of these principles will be illustrated by the observations of every intelligent farmer. The same vegetable may be seen to flourish for a number of years, and then gradually give way to some other vegetable growth. And again *that* will be succeeded by another, perhaps the former one again. The same ground will not furnish the appropriate food, and in suitable quantity to flax, two years in succession. Whilst hemp may be grown on the same ground a number of years, with little or no deterioration. Even timber, of a particular kind, after a long succession of years, will give way to another growth of trees. Thus, even our forests are compelled to yield to the great law of nature, that no soil can sustain, in a flourishing condition, any vegetable production, when it shall cease to contain, in sufficient abundance, those elementary principles and combinations of matter, which constitute the appropriate food for such vegetable.

But *scientific* investigations have shown that it not unfrequently happens, that a soil, rendered apparently *destitute*, or nearly so, of those elementary principles which constitute the proper food of the agricultural products which have long grown upon it, may, nevertheless, contain, in an *insoluble* state, a sufficient quantity of food, if properly evolved, to enable such soil to be profitably applied to the production of a similar course of crops. Thus after lands, by continued cultivation, have been greatly exhausted, and apparently no longer fit for profitable cultivation by applying the proper *solvent*, the elements, constituting the appropriate food for the crops which had ceased to flourish, would be again brought into activity, and lands apparently exhausted, restored to a healthful condition. In some instances a few bushels of ashes or bone dust have been found to produce more effect, in restoring exhausted land, than many tons of stable manure, or well rotted compost. Lime and gypsum have also been found to be most valuable solvents, when applied even in small quantities, upon soils adapted to this mode of manuring.

On some soils, there have been found to be *too much* decomposed animal and vegetable matter to permit them to produce kindly. The application of stable manure, or compost, in these instances, does but add to the evil, whilst a light sprinkling of lime would bring them again into a healthful condition. Such are some of the *facts* which have been discovered by the application of *science* to practicable husbandry. But to apply these, and numerous other facts of a similar character, to practical husbandry, so as to render them valuable, it is manifest that we should have a knowledge of the *elements* of the various soils, of the *excess* or *deficiency* of those particular ingredients which constitute the food of the crops intended to be cultivated, and of the appropriate *remedy* to be applied to remove the *disease*, wherever it is found to exist. The first step towards accomplishing this desirable ob-

ject is an accurate chemical analysis of the soils, to which the improved methods of agriculture are to be applied. A very intelligent and scientific cultivator of the soil, states, that "he has found in some fields only *five* per cent. of lime, and in others *eighteen*. In some, forty five per cent. of silice, and in others sixty, and the clay and decomposed organic matter varying as much." He further remarks, that "reason teaches us that these varieties cannot be managed alike, with equal profit." That "without the knowledge derived from science, cow dung might be carried out on clay, and the manure of horses on the lighter lands." That "by reversing this process, experience has proved that not unfrequently more than thirty per cent., in the crop is gained, and the soil rendered permanently better."

When a rigid chemical analysis has ascertained the modifications of matter, suitable to any particular crop, and the proportions in which those elements or modifications of matter, exist in the soil upon which the crop is intended to be grown, we may form some judgment of the *adaptation* of the soil to the crop proposed to be grown thereon. We shall be prepared also to apply a *remedy* to the *defect* in the soil, if there be one, which would be likely to have the effect of removing it. If the remedy first applied should fail of success, experience would soon point out one that would be more efficient. But without the guidance of *science*, we should have to grop in the dark, and depend upon mere chance for a remedy properly adapted to the evil.

The varieties of soil, depend chiefly on the disintegration of the various kinds of rock. Hence, geology is to agriculture what anatomy is to medical science; and the treatment and cultivation of land, to make it produce the *greatest returns*, requires as much scientific knowledge as the treatment of men, in order to health and the cure of diseases. If the foregoing views be founded in truth, it would seem to follow, as a necessary consequence, that schools of agriculture are necessary to give to husbandry the full benefits that would result from the application of science to the most useful of all the arts; for *that art* upon which all the rest depends, must unquestionably, be entitled to rank the highest.

The practical utility of schools of agriculture, has been fully tested by several of the European Governments. With them, this truth is no longer a theoretical problem. Experience, the surest test of the utility of all human inventions, has fully settled the point.

In Flanders, the improved methods of agriculture, introduced by these schools, have been adopted. The consequence has been, that a soil, naturally poor, or rendered so by bad husbandry, has become the most productive in the world. The young men from the schools, examine the soil on a farm by a strict chemical analysis, and thus ascertain how to render it at once fertile and productive, greatly beyond what had before been supposed practicable. The Flemish husbandman, taught in the school of Mogelin, or instructed *practically* by young farmers who had been educated there, raises a family in comfort, and makes a fortune on fifty acres of land; while our small farmers, of one and two hundred acres of rich Kentucky land, are obliged to sell out and go to the far west, because they cannot raise and educate a family upon so small a *spot* of ground.

These small farms are purchased up by the large land holders of the neighborhood, and put in grass to prevent their farther deterioration. Thus, by a deprivation of a large portion of our most valuable population, we seek

to restore lands to health, which have been much reduced in fertility by bad husbandry. But this system cannot last always. By descent, devise and otherwise, these large tracts will again be divided; and we shall have to adopt other modes of preserving their fertility.

Kentucky lands are naturally equal in fertility to any in the world; yet Europeans are already speculating upon the fatal consequences which, they say, must result from our modes of cultivation. Unless, say they, we "resort to more scientific modes of agriculture, in a hundred years more, Europe will feed the North Americans." This prediction will probably not be verified, because, when we discover that our lands are deteriorating so rapidly that we can, with difficulty, furnish food for our population, *necessity* will compel us to resort to more scientific methods of cultivating our lands. But is it not better to commence with those improved methods, before our lands shall have become so much deteriorated, as to *compel* us to a different system of husbandry? If we suffer our lands to become very much reduced, it will be much more difficult to *restore* their fertility than to *preserve* them in a sound and healthful condition, by the application of science to practical husbandry. But shall we wait till we are *compelled* to correct our system of agriculture? Is it not rather the part of wisdom to set about the *cure* while the *disease* is easily manageable? Can the Legislature be engaged in a more noble enterprise than in arresting the destruction of the fertile soil, and turning the agriculture of the State from a downward course, into the highroad of improvement, wealth and prosperity? On this subject, we should be stimulated by our brethren in the New England States. Their granitic soil is analagous to that of many parts of Europe, and already are they practising the precepts of their schools. Though naturally far inferior in quality to our rich, calcarious soil, they are outstripping us in their products of Indian corn. The Cultivator for January, 1838, contains reports of 110, 116, and 118 bushels of corn to the acre. This vast increase of product was brought about by the simple process of hauling upon a soil, naturally very sandy, clay at the rate of from fifty to one hundred loads per acre.

The theory and practice of agriculture, in schools erected for that purpose in Europe, go hand in hand. "The soils of the country are analyzed, their deficiencies ascertained, the means of improvement demonstrated, recommended and practised. The crops best adapted to different soils, their rotation and mode of cultivation are ascertained and adopted; the mineral, animal and vegetable manures, suitable for each variety of soil, are discovered and disclosed; the best kinds of stock, for different soils and climates, their habits, uses and diseases, are investigated—all these are not only studied, but made the daily practice of pupils. Manuals of their successful methods are published for the information of the people; and the young men, educated in these schools, go back into the districts of their nativity, and become farmers. They demonstrate to all around them the advantages of the improved methods; ignorance is enlightened; prejudice vanquished, and the people are convinced. They adopt the better methods, and the country is improved and enriched; the revenue increased in the same ratio with the resources of the people. The tolls on all the roads, rivers and canals are increased; the means of further internal improvement are enlarged; and greater facilities are afforded for the pursuit of the arts of peace, or for protection in war."

The committee are of opinion that this strongly drawn picture does not exceed what would be realized, if the system recommended were to be fully carried out. There are, however, some considerations which induce the committee not to recommend immediate action on this subject.

The session is so far advanced, that there will not be time to mature the subject sufficiently, and to procure the necessary information to enable the Legislature to act understandingly on the subject. And, if there were time, the state of the ordinary revenue is not such as would justify so large an appropriation of money as would be necessary to carry out the measure contemplated by the memorialists. Nor would it be proper, in the opinion of the committee, to make an appropriation out of the School Fund, because that fund is pledged to the support of a System of Common Schools, and cannot, without a breach of faith, be directed to any other purpose, however desirable it may be.

The committee recommend the adoption of the following resolutions :

Resolved, That ——— be, and he is hereby requested to enter into a correspondence with the principle superintendents of such Agricultural Schools in Europe and the United States, as he may deem expedient, with a view to the obtaining of useful and practical information, in relation to Agricultural Schools, established upon such principles as would tend most to promote the application of science to practical husbandry.

Resolved, That the Judges of the Court of Appeals be requested to apply a sum, not exceeding ——— dollars, out of the annual appropriation for the increase of the Library, to the purchase of such practical books on agriculture, and treatises in relation to Agricultural Schools, as they may deem best calculated to promote the application of science to practical husbandry.

Ordered, That the said report be laid on the table, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The amendments proposed by the House of Representatives, to bills of the Senate of the following titles, were twice read and concurred in, viz:

An act providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others.

An act for the benefit of the estate of Guthrie Morris.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act further regulating the duties of Clerks of Circuit Courts, were twice read and the first and second concurred in.

The third amendment proposes to strike out of the bill, so much thereof as allows the Clerks five cents for each endorsement required to be made, and to insert in lieu thereof the following: "for which the Clerk shall receive no compensation.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Watkins and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Schooling,
Barlow,	Jasper,	Walker, C. J.
Beatty,	Jesup,	Wallace,
Bradshaw,	May,	Weller,
Burnett,	Morgan, J. S.	Wickliffe,
Clarke,	Murrell,	Willis,
De Courcy,	Rice,	Wingate—22.
Dixon,		

Those who voted in the negative were—

Messrs. Davidson,	Huston,	Tomlinson,
Ford,	Johnston,	Watkins,
Guthrie,	Nuttall,	Young, S.—9.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of Anderson Dunn and Isaac Hemingway, were referred to the committee of Finance.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Lunatic Asylum.

An act for the benefit of Mason W. Sherrill.

An act for the benefit of the Spencer county Seminary.

An act giving Harris W. Thompson, late deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act to authorize a sale of the Seminary lands of Wayne county.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act for the benefit of the Sheriff of Green county.

An act for the divorce of Sarah Jane Phelps.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent list of revenue tax for 1838.

And that they had examined enrolled bills which originated in the House of Representatives of the following titles, [and had found the same truly enrolled, viz:

An act for the benefit of the Sheriffs of Estill and Pendleton counties.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

An act to change the bounds of the seventh division of the Kentucky militia, and for other purposes.

An act for the benefit of the Clerk of the Scott Circuit Court.

An act for the benefit of the estate of Edmund Hall, deceased.

An act for the benefit of the Sheriff of Madison county.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson, and John Murdough.

An act for the benefit of Maria Waller, an idiot.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., deceased.

An act in relation to the registration of mortgages and deeds of trust.

An act to incorporate the trustees of Rock Spring Church.

An act for the benefit of Nancy Collins.

An act to change the place of voting in an election precinct in Cumberland county.

An act to provide a standard of weights and measures for the several counties of this State.

An act in relation to the roads in Clay, Knox, Laurel, Whitley, Harlan and Perry counties.

An act allowing two additional Justice of the Peace to Oldham county.

An act for the divorce of Adam R. Walker.

An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to amend the charter of St. Joseph's College.

An act to amend the charter of Centre College.

An act to change a part of the State road from Brandenburg to Bowlinggreen.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act for the benefit of Charity Taylor.

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

An act for the benefit of Matthew Elder.

An act to establish the town of Rochester.

An act to change the name of Green Ruby to that of Green Kerley.

An act altering a Constable's district in Wayne county.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Engrossed bills of the following titles, were severally read the third time viz:

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act to amend the 16th section of an act, entitled, an act to amend the charter of the city of Louisville, approved 16th of January, 1838.

An act to authorize the Scott County Court to impose an additional county levy.

An act for the benefit of Harrison Rankins, and wife, and children.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to amend the law in relation to divorces, was read the third time, amended by way of engrossed ryder, and referred to a committee of Messrs. Willis, Wickliffe and S. Young.

On the motion of Mr. Watkins, leave was given to withdraw the petition of Margaret B. White.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clarke—1. A bill for the benefit of Mary McBrayer, and her children.

On the motion of Mr. Schooling—2. A bill for the benefit of the Sheriff of Marion county.

On the motion of Mr. James—3. A bill to establish the town of Locust Port, in Union county.

The committee of Propositions and Grievances was directed to prepare and bring in the 1st and 3d, and the committee of Finance the 2d.

And then the Senate adjourned.

FRIDAY, FEBRUARY 1, 1839.

A message was received from the House of Representatives, announcing that they had passed bills which originated in the Senate of the following titles, viz:

An act to establish the town of Lovelaceville, in the county of McCracken.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

An act for the benefit of George H. Clements, and others.

An act to amend the charter of the city of Maysville.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

An act to alter the time of holding the Chancery Court, in the county of Madison, and for other purposes.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved Jan. 27th, 1838.

With an amendment to the last bill—which was concurred in.

And that they had passed bills of the following titles, viz:

1. An act to incorporate the Cumberland Coal Mining Company.
2. An act to authorize the sale of a house and lot belonging to the heirs of Jacob Lyons, deceased, a man of color.
3. An act for the benefit of the heirs of Elijah Cummins, deceased.
4. An act for the benefit of the infant heirs of Samuel Pottinger, deceased.
5. An act to incorporate the trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.
6. An act to authorize the Clerk of the Hancock County Court to amend certain records in his office.
7. An act to incorporate the towns of New Haven, Hodgenville and Big Spring.
8. An act to enlarge the powers of the trustees of Brandenburg.
9. An act to repeal an act, entitled, an act for the benefit of William M. Simmons, approved February 12th, 1838.
10. An act for the benefit of Volney E. Bragg, late deputy Sheriff of Lewis county.
11. An act for the benefit of Mary Hughes, an infant.
12. An act for the benefit of Ransom Lasswell, and others.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred, the 1st to the committee of Internal Improvement; the 5th to the committee of Religion; the 10th to the committee of Finance, and the others to the committee on the Judiciary.

Mr. James presented the petition of sundry citizens of Graves county, praying that an additional Justice of the Peace and Constable may be al-

lowed to said county, which was received and referred to the committee of Propositions and Grievances.

Mr. Wingate presented the petition of Jeremiah Delph, praying for a divorce from his wife, which was received and referred to the committee on Religion.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of a resolution instructing the said committee to inquire into the expediency of providing, by law, for a survey of the road from Thomas Parker's, in Lewis county, by way of Flemingsburg and Carlisle, to a point on the Maysville and Lexington turnpike road, between Samuel Arnett's and E. Morton's, and for an estimate of the cost of making said road on the plan of the Virginia road, from the mouth of Big Sandy to Richmond, Virginia; and of a resolution directing said committee to inquire into the propriety of surveying and making an appropriation to improve the road leading from Greenupsburg, by way of Old Town and Cross Roads, in Carter county, and from the last named place, the most direct route to Paintsville, in Floyd county, and of directing the Engineer, who shall survey and locate the road, to report what sum would be required to grade the same and make it a safe and convenient earth road; and of the petition of the President and Directors of the Maysville and Lexington Turnpike Road Company, praying for an amendment of their charter; and from the duty of preparing and bringing in a bill for the benefit of Joseph Barbour, and a bill to improve the downward navigation of the Big Sandy river, from Pikeville to its mouth.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill to incorporate the Louisville and Mississippi Railroad Company, reported the same without amendment.

The said bill was referred to the committee on the Judiciary.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Richmond and Lexington Turnpike Road Company, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the President and Managers of the Richmond and Lexington Turnpike Road Company to cause one half acre of ground, at each turnpike gate on said road, to be condemned for the use of said Company, in the erection of houses, &c., which condemnation shall be made in pursuance of the provisions of an act, entitled, an act to provide for condemning lands and materials for the construction of turnpike roads, bridges and other works of internal improvement, approved February 22, 1836, provided that said President and Managers shall not be authorized to condemn any land, under this act, within less than three quarters of a mile of the limits of the city of Lexington or town of Richmond.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Rice,
Beatty,	Hanson,	Schooling,
Burnett,	Nuttall,	Walker, C. J.—10
Clarke,		

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Wallace,
Bradshaw,	Jesup,	Watkins,
Davidson,	Johnston,	Weller,
De Courcy,	May,	Wickliffe,
Ford,	Morgan, J. S.	Willis,
Huston,	Tomlinson,	Wingate,
James,	Walker, J. V.	Young, S.—21.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, reported the same without amendment, viz:

An act authorizing a survey of the road leading over Mount Scratchum, and Old Landing hills, in Estill county.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

An act to incorporate the Bank Lick Turnpike Road Company.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Johnston, from the committee of Finance, to whom was referred the petition of Charles Kirtley, praying compensation for pursuing a fugitive

from justice to the State of Missouri, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Beatty, from the committee on Education, to whom was referred a bill to amend an act to establish a System of Common Schools in the State of Kentucky, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act vesting the trustees of the towns of Lebanon and Springfield with power to cause certain streets of said towns to be McAdamized or paved, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill changing the terms of the Court of Appeals, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Breathitt, reported the same with amendments, and the said bill was recommitted to the same committee.

The following bills were reported, viz:

By Mr. Ballinger, from the committee of Internal Improvement—1. A bill to authorize the survey of a road from Hartford to Russellville.

2. A bill to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

By Mr. Johnston, from the committee of Finance—3. A bill for the benefit of the Sheriff of Marion county.

By Mr. Nuttall, from a select committee—4. A bill to change the name of Mary Roberts to the name of Mary Clifton.

By Mr. Willis, from the committee of Propositions and Grievances—5. A bill for the benefit of Mary McBrayer, and her children.

6. A bill to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their trustees, and for other purposes, approved February 9th, 1837.

7. A bill to close up a part of a certain street in the town of Cadiz.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Wickliffe, leave was given to bring in a bill to amend the charters of Transylvania University and of Morrison College, and for other purposes, and Messrs. Wickliffe, Beatty and Clarke were appointed a committee to prepare and bring in the same.

A bill for the benefit of the Lexington and Ohio Railroad Company was taken up.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Walker, C. J.
Beatty,	May,	Walker, J. V.
Burnett,	Morgan, D.	Watkins,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
Dixon,	Nuttall,	Wingate,
Ford,	Pitts,	Young, S.—22.
Guthrie,		

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Schooling,
Bradshaw,	Jesup,	Tomlinson,
De Courcy,	Johnston,	Wallace,
Huston,	Pratt,	Willis,
James,	Rice,	Young, A.—15.

A bill prescribing the duties of the Keeper and Clerk of the Penitentiary was taken up, amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The resolution fixing a day for the election of public officers was taken up, and the blank therein filled with the 14th day of February, instant, and adopted.

The joint resolution, offered by Mr. Pitts on the 30th ultimo, in relation to members of the Legislature being contractors for public works, was laid on the table.

Engrossed bills of the following titles were severally read the third time, viz:

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved February 17th, 1836.

An act to incorporate the College of Dental Surgeons of Kentucky.

An act for the benefit of the estate of Franklin C. Averil.

An act for the benefit of Patsey Jane, and Daniel Hazelwood.

An act to allow an additional Justice of the Peace to Green county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were each read the third time, viz:

An act to repeal the fourth section of an act, entitled, an act to establish a State road from Flynn's old ferry across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved 25th February, 1836.

An act for the divorce of Lucy Graves.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles were read the third time as amended, viz:

An act to incorporate the trustees of the Republican School, in Bracken county.

An act to provide for running the line between Marion and Washington counties.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to incorporate the town of Port Royal.

2. An act concerning the towns of Warsaw and Monticello.

3. An act to extend the limits of the town of Bowlinggreen, in Warren county.

4. An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

5. An act to amend an act, entitled, an act for the benefit of the heirs of Aaron Foreman, deceased.

6. An act to establish an election precinct at S. R. Pace's store, in Barren county.

7. An act for the benefit of William Herd.

8. An act for the benefit of Mentor A. Shanks and Hannibal Abell.

9. An act for the benefit of James W. Bowers, jailer of Campbell county.

10. An act providing for a change of venue in the prosecution against Ebenezer W. Loverett.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 4th, 5th and 10th were referred to the committee on the Judiciary; the 6th to the committee of Privileges and Elections, and the 7th, 8th and 9th to the committee of Finance.

A bill to incorporate the Transylvania Institute, and for other purposes, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

And then the Senate adjourned.

SATURDAY, FEBRUARY 2, 1839.

A message was received from the House of Representatives, announcing the passage of bills from the Senate of the following titles, viz:

An act for the benefit of the estate of Leonard Hamilton, deceased.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An act to change the time of holding the Green Circuit Court—with amendments to the two latter.

And that they had passed bills of the following titles, viz:

1. An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

2. An act authorizing the sale of real estate of Hiram Spurlocks, deceased, and for other purposes.

3. An act to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county.

4. An act to establish the town of Hillsborough, in Fleming county.
5. An act for the benefit of the widow and heirs of Michael Chism.
6. An act for the benefit of William Gilpin and Frances Gilpin.
7. An act for the benefit of the heirs and representatives of Jos. Walker.
8. An act for the benefit of the representatives of Rodolphus B. Great-house, deceased.
9. An act to provide for the permanent investment and application of the Craddock fund.

10. An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies in the county of Todd.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st and 10th to the committee of Internal Improvement; the 3d to the committee of Propositions and Grievances, and the others to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Mary Hughes, an infant.

An act for the benefit of Ransom Lasswell, and others.

An act to authorize the Clerk of the Hancock County Court to amend certain records in his office.

An act to repeal an act, entitled, an act for the benefit of William M. Simmons, approved February 12th, 1838.

An act to authorize the sale of a house and lot belonging to the heirs of Jacob Lyons, deceased, a man of color.

An act for the benefit of the heirs of Elijah Cummins, deceased—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the towns of New Haven, Hodgenville and Big Spring, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to incorporate the towns of New Haven and Hodgenville.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the infant heirs of Samuel Pottinger, deceased.

An act to enlarge the powers of the trustees of Brandenburg, reported the same with amendments—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill to incorporate the Damascus Iron Manufacturing Company, in the county of Greenup, reported the same with an amendment.

Mr. Pitts moved to lay the said bill and amendment on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. De Courcy and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Weller,
Barlow,	Morgan, J. S.	Wickliffe,
Bradshaw,	Pitts,	Willis,
Clarke,	Pratt,	Young, S.—14.
De Courcy,	Wallace,	

Those who voted in the negative were—

Messrs. Beatty,	Jasper,	Schooling,
Burnett,	Jesup,	Tomlinson,
Dixon,	Johnston,	Walker, C. J.
Ford,	Morgan, D.	Walker, J. V.
Guthrie,	Murrell,	Watkins,
Hanson,	Nuttall,	Young, A.—20.
Huston,	Rice,	

The said bill and amendment were referred to the committee of Internal Improvement.

Mr. Pratt, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Eliza Jane Grider.

An act for the divorce of Nancy A. Grant—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pratt, from the same committee, reported a bill to divorce Jeremiah Delph.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Madison Troop of Cavalry.

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to prohibit unlawful dealings by corporations, and the better to protect the currency, was referred to the committee on the Judiciary.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court, were twice read and disagreed to.

An engrossed bill, entitled, an act to amend an act to establish a System of Common Schools in the State of Kentucky, was read the third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Clarke,
Davidson,
De Courcy,
Hanson,

Johnston,
May,
Morgan, D.
Morgan, J. S.
Nuttall,
Pratt,

Rice,
Walker, C. J.
Walker, J. V.
Wallace,
Weller,
Young, A.—18.

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Schooling,
Bradshaw,	Jasper,	Watkins,
Dixon,	Jesup,	Willis,
Ford,	Murrell,	Young, S.—13.
Guthrie,		

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, was read the third time.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Nuttall,
Beatty,	Hanson,	Pitts,
Burnett,	May,	Walker, J. V.
Clarke,	Morgan, D.	Watkins,
Davidson,	Morgan, J. S.	Weller,
Dixon,	Murrell,	Young, S.—18.

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Walker, C. J.
Bradshaw,	Jesup,	Wallace,
De Courcy,	Johnston,	Willis,
Ford,	Pratt,	Wingate,
Huston,	Rice,	Young, A.—17.
James,	Schooling,	

Resolved, That the title of the said bill be as aforesaid.

Engrossed bills of the following titles, were severally read the third time viz:

An act to authorize the survey of a road from Hartford to Russellville.

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

An act to change the name of Mary Roberts to the name of Mary Clifton.

An act for the benefit of Mary McBrayer, and her children.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their trustees, and for other purposes, approved February 9th, 1837.

An act to close up a part of a certain street in the town of Cadiz.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill further to provide for the internal improvement of the Commonwealth, was referred to the committee of the whole House, on the state of the Commonwealth, and made the order of the day for Wednesday next.

Bills from the House of Representatives of the following titles were read the third time as amended, viz:

An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. C. J. Walker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law to enable the Turnpike Road Companies of this Commonwealth to condemn land for toll houses, and to provide adequate penalties for avoiding the tolls properly due at any turnpike gate.

And then the Senate adjourned.

MONDAY, FEBRUARY 4, 1839.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

1. An act to provide for the appointment of Attorneys for the Commonwealth.

2. An act to increase the powers of the trustees of the town of Columbia.

3. An act for the benefit of the heirs of Harmon A. Stiger.

4. An act to incorporate the town of Wyoming, in the county of Bath.

5. An act to authorize the trustees of the Brandenburg Academy to sell and convey a certain lot.

6. An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

7. An act to change the names of Elizabeth Harris' children.

8. An act to increase the pay of patrollers, in Fayette county.

9. An act changing the terms of the Fayette Circuit Court.

10. An act for the benefit of the heirs of John Carey, deceased.

11. An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

And that they had adopted a resolution fixing a day for the adjournment of the Legislature.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 4th and 10th were referred to the committee on the Judiciary; the 5th to the committee on Education; the 6th and 11th to the committee of Internal Improvement; the 7th to the committee of Propositions and Grievances; the 8th to a committee of Messrs. Wickliffe, Dixon Watkins, and the 9th was amended and ordered to be read a third time.

Mr. Wallace presented the petition of Thomas Carrico, praying for a divorce from his wife, Nancy Carrico.

Mr. Beatty presented the petition of the Stockholders in the Maysville Insurance Company, praying for an amendment of their charter.

Which were received; the former was referred to the committee of Religion, and the latter to the committee on the Judiciary.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to provide for the investment and application of the Craddock Fund.

An act for the benefit of the widow and heirs of Michael Chism—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to prohibit unlawful dealing by corporations, and the better to protect the currency reported the same with the opinion of the committee that the said amendments ought to be concurred in.

The said amendments were then concurred in.

A message was received from the House of Representatives, announcing that they had insisted on their amendments to a bill from the Senate, entitled an act to change the time of holding the Green Circuit Court, and had appointed a committee of conference thereon, and requesting the appointment of a committee on the part of the Senate. The Senate insisted on their disagreement to the said amendments, and Messrs. Willis and Murrell were appointed a committee of conference, on the part of the Senate.

Ordered, That Mr. Willis inform the House of Representatives thereof.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Breathitt, reported the same with amendments—which were concurred in.

Mr. Watkins moved to amend the said bill by striking out the name of ‘Breathitt,’ wherever it occurs in the said bill, and leaving it a blank.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Weller,
Bradshaw,	Morgan, J. S.	Wickliffe,
Clarke,	Walker, C. J.	Young, S.—11.
Davidson,	Watkins,	

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Rice,
Beatty,	James,	Schooling,
Burnett,	Jasper,	Tomlinson,
De Courcy,	Jesup,	Walker, J. V.
Dixon,	May,	Wallace,
Ford,	Murrell,	Willis,
Guthrie,	Pitts,	Wingate,
Hanson,	Pratt,	Young, A.—24.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Tomlinson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Schooling,
Beatty,	James,	Walker, C. J.
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Wallace,
Clarke,	May,	Willis,
De Courcy,	Morgan, D.	Wingate,
Dixon,	Pitts,	Young, A.
Ford,	Pratt,	Young, S.—26.
Hanson,	Rice,	

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, J. S.	Watkins,
Davidson,	Murrell,	Weller,
Guthrie,	Tomlinson,	Wickliffe—9.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the infant heirs of Samuel Pottinger, deceased, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill for the better confirmation of the estates of persons holding or claiming under conveyances from married women, and under conveyances not recorded in proper time, was laid on the table.

A resolution from the House of Representatives fixing a day for the adjournment of the Legislature, was read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 18th instant, they will adjourn without day.

Mr. Guthrie moved to refer the said resolution to the committee on the Judiciary.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Davidson,	James,	Weller,
De Courcy,	May,	Wickliffe,
Guthrie,	Morgan, J. S.	Willis,
Hanson,	Pratt,	Wingate,
Huston,	Watkins,	Young, A.—15.

Those who voted in the negative were—

Messrs. Ballinger,	Ford,	Schooling,
Barlow,	Jasper,	Tomlinson,
Beatty,	Jesup,	Walker, C. J.
Burnett,	Morgan, D.	Walker, J. V.
Clarke,	Murrell,	Wallace—17.
Dixon,	Rice,	

Mr. Willis moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bradshaw and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Clarke,	Ford,
Barlow,	Davidson,	Hanson,
Burnett,	De Courcy,	Huston,

James,
May,
Morgan, J. S.
Murrell,

Pratt,
Wallace,
Watkins,
Weller,

Wickliffe,
Willis,
Wingate,
Young, A.—21.

Those who voted in the negative were—

Messrs. Beatty,
Bradshaw,
Dixon,
Guthrie,

Jasper,
Jesup,
Morgan, D.
Rice,

Schooling,
Tomlinson,
Walker, C. J
Walker, J. V.—12

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz :

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies in the county of Todd.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to locate and establish a road from the mouth of Laurel to Daniel Bates' furnace, in Clay county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The following bills were reported, viz:

By Mr Guthrie, from the committee on the Judiciary—1. A bill authorizing the condemnation of lands for toll houses.

By Mr. Willis, from the committee of Propositions and Grievances—2. A bill to allow an additional Justice of the Peace and Constable for Washington county.

3. A bill for the benefit of John Weeks, late Sheriff of Caldwell county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee of Internal Improvement, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly, and the 2d and 3d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of a resolution instructing said committee to inquire into the expediency of improving the navigation of Pond river, by putting under contract one lock and dam during the present year; and from the duty of preparing and bringing in a bill to make an appropriation to improve the road from Cumberland river, by the way of Albany, in Clinton county, to the Tennessee line, and particularly Grider's Hill, near John Grider's ferry.

Mr. Ballinger moved that the committee of Internal Improvement be discharged from the further consideration of a resolution, moved by Mr. Beatty on the 13th of December last, in relation to the road between Washington and the mouth of Big Sandy.

And then the Senate adjourned.

TUESDAY, FEBRUARY 5, 1839.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to incorporate the Livingston Coal Mining Company.

An act to incorporate the Munfordsville Bridge Company.

An act to increase the capital stock in the Falmouth Bridge Company, and for other purposes.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

An act for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County courts.

An act to add a part of Pulaski to Russell county.

An act to declare Nolin a navigable stream to Combs' mill.

An act for the divorce of Sarah McGinnis.

An act to establish a road from Harrodsburg, in Mercer county, to the Delaney's old road, in Anderson county.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to establish the town of Brooksville, in Bracken county.

An act to allow an additional Justice of the Peace in Carroll county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act for the divorce of James Helton.

And that they had adopted resolutions for a survey of the route of a railroad from Lexington to the mouth of Big Sandy.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William P. Neal and others.

An act for the benefit of Abraham Kightly.

An act for the benefit of Andrew Orr and Caroline Orr.

An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

An act to extend the Constable's district for the town of Salvisa, in Mercer county.

An act for the benefit of Charles S. Gatewood, and others.

An act to allow an additional Justice of the Peace for Nelson county.

An act for the benefit of Elisha C. Hampton.

An act to repeal the law authorizing the County Court of Hardin to sell the Poor House land.

An act to change the name of Jane Wright to that of Jane Dodd.

An act to establish the town of Frederick, in Barren county.

An act for the benefit of the estate of Lewis Fible.

An act to incorporate the Bank Lick Turnpike Road Company.

An act authorizing a survey of the road leading over Mount Scratchum, and Old Landing hills, in Estill county.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

An act for the divorce of Lucy Graves.

An act to repeal the fourth section of an act, entitled, an act to establish a State road from Flynn's old ferry across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved 25th February, 1836.

An act for the benefit of Ransom Lasswell, and others.

An act for the benefit of the heirs of Elijah Cummins, deceased.

An act to authorize the sale of a house and lot belonging to the heirs of Jacob Lyons, deceased, a man of color.

An act for the benefit of Mary Hughes, an infant.

An act for the benefit of Eliza Jane Grider.

An act for the divorce of Nancy A. Grant.

An act to authorize the Clerk of the Hancock County Court to amend certain records in his office.

An act to repeal an act, entitled, an act for the benefit of William M. Simmons, approved February 12th, 1838.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Willis presented the petition of sundry citizens of Green and Adair counties, praying the passage of a law for running and re-marking the line between said counties.

Mr. Guthrie presented the petition of sundry citizens, praying for the passage of a law incorporating a company to make a turnpike road from Louisville to the mouth of Harrod's creek.

Which were received; the first was referred to the committee of Propositions and Grievances, and the second to the committee of Internal Improvement.

The Senate resumed the consideration of the motion of Mr. Ballinger to discharge the committee of Internal Improvement from the further consideration of a resolution, moved by Mr. Beatty on the 13th of December, in relation to surveying the road from Washington to the mouth of Big Sandy.

Mr. Ballinger moved to lay the same on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Wallace,
Barlow,	James,	Watkins,
Bradshaw,	Johnston,	Wickliffe,
Clarke,	Pratt,	Willis,
Davidson,	Tomlinson,	Wingate,
De Courcy,	Walker, J. V.	Young, S.—19.
Ford,		

Those who voted in the negative were—

Messrs. Beatty,	Guthrie,	Jesup,
Burnett,	Huston,	May,
Dixon,	Jasper,	Morgan, D.

Morgan, J. S.
Pitts,
Rice,

Schooling,
Walker, C. J.

Weller,
Young, A.—16.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill to authorize the Southwestern Railroad Bank to establish a branch in this State, and for other purposes, reported the same with amendments.

Mr. Ballinger moved to refer the said bill and amendments to the committee of the whole House on the state of the Commonwealth, and make it the order of the day for to-morrow.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Burnett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Bradshaw,
Clarke,
Davidson,
De Courcy,
Hanson,
Johnston,

May,
Morgan, D.
Morgan, J. S.
Pitts,
Pratt,
Tomlinson,
Walker, C. J.

Walker, J. V.
Wallace,
Weller,
Wickliffe,
Willis,
Young, A.
Young, S.—21.

Those who voted in the negative were—

Messrs. Barlow,
Beatty,
Burnett,
Dixon,
Ford,

Guthrie,
Huston,
James,
Jasper,
Jesup,

Murrell,
Rice,
Schooling,
Watkins,
Wingate—15.

Mr. Ballinger, from the same committee, to whom was referred a bill to incorporate the Jefferson Turnpike Company, reported the same with amendments—which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

Mr. Ballinger, from the same committee, to whom was referred a bill authorizing the Board of Public Works to cause to be constructed suitable buildings for the public offices, and for other purposes, reported the same with amendments—which were concurred in.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Hanson, from the committee of Finance, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of Anderson Dunn and Isaac Hem-

ingway, reported the same with an amendment—which was concurred in; and the said amendments were concurred in as amended.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Volney E. Bragg, late deputy Sheriff of Lewis county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

Mr. Hanson, from the committee of Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of James W. Bowers, jailer of Campbell county.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of William Herd, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill to amend an act concerning the town of Bowlinggreen, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Hanson, from the same committee, to whom was referred the petition of James McCauley, praying for the passage of a law authorizing him to peddle goods, &c., and to retail spirituous liquors any where in this Commonwealth without license, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Mr. Jesup moved to recommit the said petition to the same committee, with instructions to report a bill authorizing the said McCauley to peddle goods without license.

The question being taken thereon, it was decided in the negative, and the said resolution was concurred in.

Mr. Beatty, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the trustees of the Brandenburg Academy to sell and convey a certain lot, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Davidson, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs and representatives of Robert Branham and John Samuel, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky, reported the same with amendments.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 6, 1839.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to authorize the establishment of roads to Coal and Iron Banks.

An act to incorporate the Hickman Turnpike Road Company.

An act for the benefit of Ambrose Wickersham.

An act for the divorce of Hugh Lane.

An act for the divorce of Eliza H. Bush.

An act for the divorce of Washington Sherer

An act for the divorce of Margaret M. Pulliam.

An act for the divorce of Nancy T. Sanders.

An act for the divorce of Joseph Shropshire.

An act for the divorce of Matilda Jones.

An act for the divorce of John M. Emerson, Jr.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the estate of Leonard Hamilton, deceased.

An act further regulating the duties of Clerks of Circuit Courts.

An act for the benefit of George H. Clements, and others.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

An act to amend the charter of the city of Maysville.

An act to alter the time of holding the Chancery Court, in the county of Madison, and for other purposes.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved Jan. 27th, 1838.

An act providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act for the benefit of the estate of Guthrie Morris.

An act to amend an act to provide against compounding penal prosecutions, approved February 3d, 1837.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved February 16, 1838.

An act to amend an act incorporating the Stockholders of the Merchants' Louisville Insurance Company.

An act to repeal the 10th section of an act to incorporate a Fire Company in the town of Cynthiana, and for other purposes, approved January 27, 1838.

An act for the benefit of the heirs of Francis Blaydes, deceased.

An act to provide for rebinding certain record books of the Shelby County Court.

An act for the benefit of the heirs of Ruth and Polly Pointer.

An act for the benefit of Joseph Dawson.

An act for the benefit of Edward McCoy and William Crabtree.

An act for the benefit of Margarette B. White.

An act to incorporate the Louisville Law Library Company.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his appro-

bation and signature. After a short time Mr. Barlow reported that the committee had performed that duty. .

Mr. Ballinger presented the petition of Elisha Stephens, guardian of the infant legatees of Uriah Parks, deceased, and others, praying for the passage of a law authorizing a sale of a tract of land, devised to his said wards.

Also the petition of sundry citizens of the town of Barboursville, praying for the passage of a law authorizing the trustees of said town to levy an additional tax for the improvement of said town.

Which were received and referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles were read the first time and ordered to be read a second time, viz:

An act for the divorce of Hugh Lane.

An act to increase the capital stock of the Falmouth Bridge Company, and for other purposes.

The constitutional rule as to the second reading being dispensed with, the former bill was referred to the committee of Religion, and the latter to the committee of Internal Improvement.

A bill from the House of Representatives, entitled, an act for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County Courts, was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by inserting "Logan," after "Simpson."

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky.

Mr. Wickliffe moved that the amendments reported from the committee on the Judiciary be printed.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Tomlinson,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Nuttall,	Wickliffe—14.
De Courcy,	Schooling,	

Those who voted in the negative were—

Messrs. Barlow,	Dixon,	Hanson,
Beatty,	Ford,	Huston,
Burnett,	Guthrie,	James,

Jasper,
Jesup,
Johnston,
Murrell,
Pitts, -

Pratt,
Rice,
Walker, J. V.
Watkins,
Weller,

Willis,
Wingate,
Young, A.
Young, S.—23.

Some of the said amendments were concurred in.

A part of the eleventh section of the said bill reads as follows, viz:

"The president and directors of the principal Bank shall establish not less than *three* branches south of Green river."

One of the amendments reported from the committee on the Judiciary, proposes to strike out the word "*three*," printed in italics, and to insert in lieu thereof "*four*."

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,
Beatty,
Bradshaw,
Burnett,
De Courcy,
Dixon,
Ford,
Guthrie,
Hanson,
Huston,

James,
Jasper,
Jesup,
Johnston,
May,
Morgan, D.
Morgan, J. S.
Murrell,
Nuttall,
Pitts,

Pratt,
Rice,
Schooling,
Walker, J. V.
Wallace,
Watkins,
Weller,
Wingate,
Young, S.—29.

Those who voted in the negative were—

Messrs. Clarke,
Davidson,

Tomlinson,

Wickliffe—4.

One of the said amendments proposes to add to the said bill the following section, viz:

SEC. 47. That the President and Directors of the Southern Bank of Kentucky shall locate the principal Bank within the district composed of the counties of Livingston, Caldwell, Trigg, Christian, Todd, Logan, Butler, Edmondson, Warren, Allen, Simpson, Monroe, Barren and Hart; and they shall locate one branch of said Bank within the same district, but *said branch shall not* be located at either of the places where a branch of the Bank of Kentucky is established. They shall also locate a branch of said Bank in a district composed of the counties of Hickman, Calloway, Graves and McCracken, and a branch in a district composed of the counties of Henderson, Union, Hopkins, Muhlenburg; and a branch of said Bank in a district composed of the counties of Adair, Cumberland, Clinton, Russell, Casey, Pu-

laski, Rockcastle, Whitley and Wayne, and a branch in a district composed of the counties of Hardin, Meade, Breckinridge, Grayson, Hancock, Ohio and Daviess. The sixth branch, on the north of Green river, they shall be under no obligation to locate; and may locate and establish the same at such time and place as they may deem most *advantageous to the institution*: [after the location and establishment of the principal Bank, they shall locate and establish branches, first in the districts where the most stock may have been subscribed, and so proceed as that the district which subscribes the least stock, shall be the last to have a branch.]

Mr. J. V. Walker moved to amend the said amendment so as to locate the principal Bank at Russellville.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Walker and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Nuttall,	Wallace,
Clarke,	Pratt,	Weller,
Davidson,	Rice,	Wickliffe,
James,	Walker, C. J.	Willis,
May,	Walker, J. V.	Young, A.—16.
Morgan, J. S.		

Those who voted in the negative were—

Messrs. Barlow,	Guthrie,	Murrell,
Beatty,	Hanson,	Pitts,
Bradshaw,	Huston,	Schooling,
Burnett,	Jasper,	Tomlinson,
De Courcy,	Jesup,	Watkins,
Dixon,	Johnston,	Wingate,
Ford,	Morgan, D.	Young, S.—21.

Mr. James moved to amend the said amendment by striking out the words "said branch shall not," printed in italics, and to insert in lieu thereof the words "neither the mother Bank nor the said branch shall."

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Walker, J. V.
Barlow,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
De Courcy,	Nuttall,	Willis,
James,	Tomlinson,	Wingate,
Jasper,	Walker, C. J.	Young, A.—21.

Those who voted in the negative were—

Messrs. Beatty,	Guthrie,	Pitts,
Bradshaw,	Hanson,	Schooling,
Burnett,	Huston,	Watkins,
Dixon,	Jesup,	Young, S.—14.
Ford,	Johnston,	

Mr. James moved further to amend the said amendment by striking out all after the words “advantageous to the institution,” printed in italics.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	James,	Walker, J. V.
Barlow,	Johnston,	Wallace,
Bradshaw,	May,	Weller,
Burnett,	Morgan, D.	Wickliffe,
Clarke,	Morgan, J. S.	Willis,
De Courcy,	Rice,	Wingate,
Dixon,	Tomlinson,	Young, A.
Hanson,	Walker, C. J.	Young, A.—24.

Those who voted in the negative were—

Messrs. Beatty,	Huston,	Nuttall,
Davidson,	Jasper,	Pitts,
Ford,	Jesup,	Schooling,
Guthrie,	Murrell,	Watkins—12.

Mr. Wickliffe moved further to amend the said amendment by adding thereto the following, viz:

“But it shall not be lawful for the President and Directors of said Bank to establish any branch Bank north of Green river, where a Bank or branch is now established.”

And then the Senate adjourned.

THURSDAY, FEBRUARY 7, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to the amendments proposed by that House to bills from the Senate of the following titles, with amendments, viz.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county.

An act to establish the county of Breathitt.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of John Hollingsworth.

That they had adopted a resolution from the Senate, fixing a day for the election of public officers.

That they had passed bills from the Senate of the following titles, viz:

An act authorizing a fund to be raised by lottery for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

An act for the relief of the Sheriff of Logan county.

An act to amend an act concerning the town of Hardinsburg.

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

An act to allow an additional Justice of the Peace to Green county.

An act to change the name of Mary Roberts to the name of Mary Clifton.

An act to close up a part of a certain street in the town of Cadiz.

An act for the divorce of Jeremiah Delph.

And that they had passed bills of the following titles, viz:

An act for the benefit of William Vice.

An act for the benefit of the Sheriff of Livingston county.

An act for the divorce of Mary Ann Sammons.

An act for the divorce of Maria K. Vance.

An act appointing trustees of the Lebanon Academy, in Todd county.

An act to incorporate the Newton Society of Bacon College.

An act for the benefit of John G. Scrogin, surveyor of Bourbon county,

An act for the benefit of Thomas Croper, James Southard and William Sugg.

An act for the benefit of Dawson Elliott, of Madison county.

An act for the benefit of James F. Stone, Clerk of the Hancock County Court.

An act for the benefit of the Sheriff of Montgomery county.

An act for the benefit of Thomas Sweeney.

An act for the benefit of the Sheriff of Jefferson county.

Mr. Johnston presented the petition of the citizens of Clay village, praying for an act to regulate said town, which was received and referred to the committee on the Judiciary.

Mr. Wickliffe, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to increase the pay of patrollers in Fayette county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to increase the pay of patrollers in the counties of Fayette, Henderson and Brackinridge.

Mr. Hanson, from the committee of Finance, reported a bill for the benefit of the late and present Sheriffs of Washington county.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hanson—1. A bill for the benefit of James Doyle's legal representatives.

On the motion of Mr. James—2. A bill to authorize the recording of certain deeds in the Clerk's office of the Hickman County Court, and for other purposes.

On the motion of Mr. Huston—3. A bill for the benefit of the Clerks of the Bullitt, Lawrence and Pike Circuit Courts.

On the motion of Mr. Barlow—4. A bill for the benefit of Rice Marcy, Clerk of the Clinton Circuit and County Courts.

On the motion of Mr. Rice—5. A bill to encourage the manufacture of railroad iron in this Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 5th, and the committee of Finance the 3d and 4th.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky.

The amendment, offered by Mr. Wickliffe on yesterday, was discussed for some time.

And then the Senate adjourned.

FRIDAY, FEBRUARY 8, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County Courts.

That they had passed a bill from the Senate, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, with amendments.

And that they had passed a bill, entitled, an act to prohibit the County Courts of Floyd, Morgan, &c., to change the State road.

1. Mr. Guthrie presented the petition of A. B. Tomlinson, praying for compensation for conveying a lunatic to the Lunatic Asylum.

2. Mr. De Courcy presented the petition of Elizabeth Higby, praying for a divorce from her husband.

3. Mr. Ballinger presented the petition of sundry citizens of Clay county, praying that Bullskin creek may be declared a navigable stream.

Which were received and referred; the 1st to the committee of Finance; the 2d to the committee of Religion, and the 3d to the committee of Internal Improvement.

The following bills were reported, viz:

By Mr. Hanson, from the committee of Finance—1. A bill to enforce a uniform valuation of taxable property.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill to amend the charter of the Maysville Insurance Company.

Which were read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee of Finance and the Puplic Printer directed to print 150 copies thereof for the use of the General Assembly, and the 2d was ordered to be engrossed and read a third time.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to increase the capital stock in the Falmouth Bridge Company, and for other purposes, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill for the appropriation of the fines in the city of Lexington, and for other purposes.

On the motion of Mr. Ford—2. A bill to allow adequate pay to witnesses summoned before this Legislature.

On the motion of Mr. James—3. A bill for the benefit of the Sheriff of Hickman county.

Messrs. Wickliffe, Pratt and Davidson were appointed a committee to prepare and bring in the 1st; Messrs. Ford, May and James the 2d, and the committee of Finance was directed to prepare and bring in the 3d.

On the motion of Mr. Beatty,

Resolved, That the committee of Finance be directed to inquire into the expediency of making an additional allowance to Jailers for keeping persons in jail on a charge of felony, and that they have leave to report by bill or otherwise.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act authorizing a fund to be raised by lottery for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act to allow an additional Justice of the Peace to Green county.

An act to change the name of Mary Roberts to the name of Mary Clifton.

An act to amend an act concerning the town of Hardinsburg.

An act for the divorce of Jeremiah Delph.

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

An act for the relief of the Sheriff of Logan county.

An act to close up a part of a certain street in the town of Cadiz.

And bills which originated in the House of Representatives of the following titles, viz :

An act to establish the county of Breathitt.

An act for the benefit of James W. Bowers, jailer of Campbell county.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, and between the Anderson line and a point five miles towards Harrodsburg.

An act for the benefit of William Herd.

An act to authorize the trustees of the Brandenburg Academy to sell and convey a certain lot.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of the heirs and representatives of Robert Branham and John Samuel.

An act to provide for the permanent investment and application of the Craddock Fund.

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies in the county of Todd.

An act for the benefit of the widow and heirs of Michael Chism.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Resolutions from the House of Representatives for a survey of the route of a railroad from Lexington to the mouth of Big Sandy, were twice read and referred to the committee of Internal Improvement.

Bills from the House of Representatives of the following titles, were severally read the first time, viz :

1. An act to incorporate the Livingston Coal Mining Company.

2. An act to incorporate the Munfordsville Bridge Company.

3. An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

4. An act to add a part of Pulaski to Russell county.

5. An act to declare Nolin a navigable stream to Combs' mill.

6. An act for the divorce of Sarah McGinnis.

7. An act to establish a road from Harrodsburg, in Mercer county, to the Delaney's old road, in Anderson county.

8. An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

9. An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

10. An act to establish the town of Brooksville, in Bracken county.

11. An act to allow an additional Justice of the Peace in Carroll county.

12. An act for the relief of the widow and heirs of Robert S. Samuel.

13. An act for the divorce of James Helton.

14. An act to authorize the establishment of roads to Coal and Iron Banks.

15. An act to incorporate the Hickman Turnpike Road Company.

16. An act for the benefit of Ambrose Wickersham.

17. An act for the divorce of Eliza H. Bush.

18. An act for the divorce of Washington Sherer

19. An act for the divorce of Margaret M. Pulliam.

20. An act for the divorce of Nancy T. Sanders.

21. An act for the divorce of Joseph Shropshire.

22. An act for the divorce of Matilda Jones.

23. An act for the divorce of John M. Emerson.

24. An act for the benefit of William Vice.

25. An act for the benefit of the Sheriff of Livingston county.

26. An act for the divorce of Mary Ann Summers.

27. An act for the divorce of Maria K. Vance.

28. An act appointing trustees of the Lebanon Academy, in Todd county.

29. An act to incorporate the Newton Society of Bacon College.

30. An act for the benefit of John G. Scrogin, surveyor of Bourbon county.

31. An act for the benefit of Thomas Croper, James Southard and Wm. Sugg.

32. An act for the benefit of Dawson Elliott, of Madison county.

33. An act for the benefit of James E. Stone, Clerk of the Hancock County Court.

34. An act for the benefit of the Sheriff of Montgomery county.

35. An act for the benefit of Thomas Sweeney.

36. An act for the benefit of the Sheriff of Jefferson county.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred; the 1st, 2d, 5th, 7th, 8th, 14th, 15th and 16th to the committee of Internal Improvement; the 3d, 10th, 12th and 31st to the committee on the Judiciary; the 4th, 9th and 11th to the committee of Propositions and Grievances; the 6th, 13th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 26th and 27th, to the committee of Religion; the 24th, 25th, 30th, 33d, 34th, 35th and 36th to the committee of Finance; the 28th and

29th to the committee on Education, and the 32d to the committee on Military Affairs.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky.

The amendment, offered by Mr. Wickliffe was further discussed,

And then the Senate adjourned.

SATURDAY, FEBRUARY 9, 1839.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes, with amendments.

And that they had passed bills of the following titles, viz:

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act requiring a special County Court to be held in Shelby county, for the purpose of swearing in deputy Sheriffs.

An act to change the place of voting in the Scuffle Cane precinct, in Rockcastle county.

Mr. Hanson, from the committee of Finance, reported a bill for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Beatty, leave was given to bring in a bill to repeal, in part, an act to change the bounds of the seventh division of the Kentucky militia, and for other purposes, and the committee on Military Affairs was directed to prepare and bring in the same.

Two messages, in writing, were received from the Governor by Mr. Bullock, Secretary of State.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to authorize Samuel Arnett to qualify as high Sheriff of Nicholas county.

Approved January 30, 1839.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent list of revenue tax for 1838.

An act for the benefit of the Sheriff of Green county.

An act for the divorce of Sarah Jane Phelps.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act for the benefit of the Spencer county Seminary.

An act giving Harris W. Thompson, late deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act for the benefit of the Lunatic Asylum.

An act for the benefit of Mason W. Sherrill.

An act to authorize a sale of the Seminary lands of Wayne county.

Approved February 1, 1839.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An act to incorporate the Louisville Law Library Company.

An act for the benefit of Edward McCoy and William Crabtree.

An act for the benefit of Margarette B. White.

An act for the benefit of the heirs of Ruth and Polly Pointer.

An act for the benefit of Joseph Dawson.

An act for the benefit of the heirs of Francis Blaydes, deceased.

An act to provide for rebinding certain record books of the Shelby County Court.

An act to amend an act incorporating the Stockholders of the Merchants' Louisville Insurance Company.

An act to repeal the 10th section of an act to incorporate a Fire Company in the town of Cynthiana, and for other purposes, approved January 27, 1838.

An act to amend an act to provide against compounding penal prosecutions, approved February 3d, 1837.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, deceased, approved February 16, 1838.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act providing for a change of venue from the Greenup Circuit Court to the Morgan Circuit Court, in the case of John C. Ball, and others.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county, approved Jan. 27th, 1838.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act to amend the charter of the city of Maysville.

An act to alter the time of holding the Chancery Court, in the county of Madison; and for other purposes.

An act for the benefit of George H. Clements, and others.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

An act for the benefit of the estate of Leonard Hamilton, deceased.

An act further regulating the duties of Clerks of Circuit Courts.

An act authorizing a fund to be raised by lottery, for the endowment of a Male and Female Academy, in the town of Paducah, and for other purposes.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act to allow an additional Justice of the Peace to Green county.

An act to change the name of Mary Roberts to the name of Mary Clifton.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

An act to amend an act concerning the town of Hardinsburg.

An act to divorce Jeremiah Delph.

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

An act for the relief of the Sheriff of Logan county.

An act to close up part of a certain street in the town of Cadiz.

Approved February 8, 1839.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rice—1. A bill to authorize Coroners to convey land sold by their deceased predecessors under executions.

On the motion of Mr. Ballinger—2. A bill for the benefit of Elhannon Murphy.

The committee on the Judiciary was directed to prepare and bring in the former, and the committee on Military Affairs the latter.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky.

The question being taken on the adoption of the amendment offered by Mr. Wickliffe, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, J. S.	Wallace,
Clarke,	Rice,	Weller,
Davidson,	Schooling,	Wickliffe,
De Courcy,	Tomlinson,	Willis—14.
May,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Barlow,	Hanson,	Pitts,
Beatty,	Huston,	Pratt,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Watkins,
Dixon,	Johnston,	Wingate,
Ford,	Murrell,	Young, A.—20.
Guthrie,	Nuttall,	

And then the Senate adjourned.

MONDAY, FEBRUARY 11, 1839.

A message was received from the House of Representatives, announcing that they had passed bills which originated in the Senate of the following titles, viz:

An act to authorize a change of venue in the trial of John S. Lasley.

An act to amend an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets, to be lodged with the Secretary of State, by the Banks of the Commonwealth.

An act to appoint trustees for the town of Summersville.

An act for the benefit of Rebecca Evans.

An act to repeal so much of the 79th section of the militia law as requires the militiamen to carry guns to muster.

An act for the benefit of William Spratt, and others.

That they had passed bills of the following titles, viz:

An act for the benefit of James Newton.

An act for the benefit of James W. Finnie.

An act for the benefit of Fountain Cunningham.

An act for the benefit of George W. Williams.

An act to authorize the Union County Court to change the location of

that part of the State road, leading from the mouth of Salt river to the Ohio, opposite Shawneetown, within the county of Union.

An act to establish an election precinct in Christian county.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough creek Manufacturing Company.

An act to amend the law in relation to the public highways, in Mason county.

An act to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the benefit of Joseph McDowell.

That they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson, and John Murdough.

An act to extend the powers of the trustees of the town of Burksville.

An act to establish the town of Rochester.

An act to provide a standard of weights and measures for the several counties of this State.

An act in relation to the roads in Clay, Knox, Laurel, Whitley, Harlan and Perry counties.

An act for the divorce of Adam R. Walker.

An act allowing two additional Justices of the Peace to Oldham county.

An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to amend the charter of St. Joseph's College.

An act to amend the charter of Centre College.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to change a part of the State road from Brandenburg to Bowlinggreen.

An act for the benefit of Maria Waller, an idiot.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., deceased.

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

An act for the benefit of Charity Taylor.

An act for the benefit of Matthew Elder.

An act for the benefit of the Clerk of the Scott Circuit Court.

An act to change the bounds of the seventh division of the Kentucky militia, and for other purposes.

An act for the benefit of the Sheriffs of Estill and Pendleton counties.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

An act for the benefit of the Sheriff of Madison county.

An act for the benefit of the estate of Edmund Hall, deceased.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act to incorporate the trustees of Rock Spring Church.

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of Nancy Collins.

An act to change the place of voting in an election precinct in Cumberland county.

An act altering a Constable's district in Wayne county.

An act to change the name of Green Ruby to that of Green Kerley.

Approved February 1, 1839.

An act for the benefit of the Madison Troop of Cavalry.

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

Approved February 2, 1839.

An act to allow an additional Justice of the Peace for Nelson county.

An act for the benefit of Elisha C. Hampton.

An act to change the name of Jane Wright to that of Jane Dodd.

An act to repeal the law authorizing the County Court of Hardin to sell the Poor House land.

An act for the benefit of the estate of Lewis Fible.

An act to establish the town of Frederick, in Barren county.

An act to incorporate the Bank Lick Turnpike Road Company.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

An act authorizing a survey of the road leading over Mount Scratchum, and Old Landing hills, in Estill county.

An act for the benefit of the heirs of Elijah Cummins, deceased.

An act for the benefit of Ransom Lasswell, and others.

An act for the benefit of Mary Hughes, an infant.

An act to authorize the sale of a house and lot belonging to the heirs of Jacob Lyons, deceased, a man of color.

An act for the benefit of Eliza Jane Grider.

An act for the divorce of Nancy A. Grant.

An act to authorize the Clerk of the Hancock County Court to amend certain records in his office.

An act to repeal an act, entitled, an act for the benefit of William M. Simmons, approved February 12th, 1838.

An act to repeal the fourth section of an act, entitled, an act to establish a State road from Flynn's old ferry across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved 25th February, 1836.

An act for the divorce of Lucy Graves.

An act for the benefit of Abraham Kightly.

An act for the benefit of William P. Neal and others.

An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

An act for the benefit of Andrew Orr and Caroline Orr.

An act for the benefit of Charles S. Gatewood, and others.

An act to extend the Constable's district for the town of Salvisa, in Mercer county.

Approved February 6, 1839.

An act to establish the county of Breathitt.

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies in the county of Todd.

An act to provide for the permanent investment and application of the Craddock Fund.

An act for the benefit of the heirs and representatives of Robert Branham and John Samuel.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act to authorize the trustees of the Brandenburg Academy to sell and convey a certain lot.

An act for the benefit of William Herd.

An act for the benefit of James W. Bowers, jailer of Campbell county.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, and between the Anderson line and a point five miles towards Harrodsburg.

An act for the benefit of the widow and heirs of Michael Chism.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

Approved February 8, 1839.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Hugh Lane, made the following report, viz:

The committee of Religion, to whom was referred the bill from the House of Representatives, for the divorce of Hugh Lane, have had the same under consideration, and beg leave to submit the following report:

Mr. Lane petitions the Legislature to pass an act divorcing him from his wife, Malinda M. Lane, upon the ground that she had abandoned him with-

out any just cause or provocation on his part. Mrs. Lane remonstrates against his application, and declares she had just cause for leaving her husband, but declines telling us what that cause is, and makes a very solemn appeal to God for the truth of her assertion. The committee have bestowed more than ordinary labor in the investigation of this subject; they were necessarily compelled to do so, from the fact, that a great and very unusual amount of testimony was introduced by the parties, and from the further fact, that the application has produced much feeling, particularly in that region of country from whence the application comes. The committee do not think it necessary to refer to all the witnesses by name, or give a summary of what they have all said, but are of opinion that it is sufficient to say, that the witnesses, without an exception, have given to Mr. Lane and his lady a characters, that is not only good, but very good. Under such a state of case, where the parties sustain irreproachable character, the committee have had no little difficulty in assigning a cause for this unfortunate difference between this man and his wife; and this difficulty is increased from the fact, that they were not strangers at the time of their marriage, but on the contrary, had been long and intimately acquainted, and had every opportunity to know and understand the particular traits in the character of each other. Whatever may have led to, or produced the separation, is, as we suppose, a matter that this lady does not intend the world to know; and while on the one hand the committee cannot find, on examining the papers, any justifiable ground for Mrs. Lane having abandoned her husband, yet, on the other hand, they cannot justify Mr. Lane in the third reason set forth in his notice to his wife, as one of the grounds of his application for a divorce; and in order that the Senate may understand the length and breadth of this third allegation, they feel it to be their duty to insert it at large, and is as follows:

Third. During all, or the greater part of which time, (meaning 15 months, the time she had been absent,) you have originated and circulated, or suffered others to originate and circulate, various false and malicious reports, the direct intention and tendency of which were to utterly destroy my peace, and greatly injure me in the public estimation, and especially with my intimate friends and acquaintances.

It is very difficult to tell how, or by what means Mrs. Lane could have prevented wicked disposed persons from speaking evil of her husband, and as to the doing of it herself, the testimony of Mr. Lane's own witnesses forbids the imputation. They represent her as a virtuous, intelligent, discreet woman, and in all the testimony, there is nothing given to show that Mrs. Lane had so acted; and indeed if she had, or if others had done so, how, or in what way it could prejudice the character and standing of Mr. Lane, among his particular acquaintances and friends, it is impossible for the committee to see, because these very acquaintances and friends comes forward and negatives the charge, by testifying to the good character of Mr. Lane. It is said by one witness, that in a conversation with Mrs. Lane, she informed witness that she left him in order to prove his love. It seems, from the statements of other witnesses, that she had regretted this step, and looked upon it as a rash expedient, declaring that she was sorry that she had left him. There is a letter of Mrs. Lane, or rather a certified copy of a letter addressed to her husband, upon the subject of their separation; and although she does not make a direct proposition for a reconciliation, yet it is plainly hinted; and in the statement made to Rev. Mathias Garrett, Mrs. Lane

stated that she did not consider that she was in her right mind when she left Mr. Lane; and that at one time she had determined to go back to Mr. Lane, and requested some of her friends to accompany her, and they refused. She then determined to get some stranger to go with her, but her friends dissuaded her from the undertaking.

The committee, therefore, refrain from expressing any opinion as to the cause which gave rise to this separation; first, because there is nothing in the testimony that seems fully to justify them in doing so; and secondly, because they might do manifest injustice to one or both the parties; but they must be allowed to say, that it is a most extraordinary case, shrouded in mystery, and many things, cautiously concealed, that might have been developed: why it is so, is not our province to inquire. They have examined the case as presented, and from all the testimony, it appears that separate and apart from the consideration of the weakness of her sex, Mrs. Lane is a very delicate, weakly, sickly woman, and consequently might be expected to be somewhat peevish in her temper, and deserves, and is entitled to the commiseration, not only of her friends and acquaintances generally, but of her husband in particular. The committee, therefore, are of opinion, from all the circumstances of the case, it would be better, that the Legislature should not interfere, and we are therefore of opinion that the bill ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Pitts, leave was given to bring in a bill to incorporate the Green river Coperas, Alum and Coal mining Company, and the committee on the Judiciary was directed to prepare and bring in the same.

On the motion of Mr. Bradshaw,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of introducing a bill to make an appropriation to improve the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction to Knoxville, and that they report by bill or otherwise.

On the motion of Mr. Barlow,

Resolved, That the Senate will, during the residue of the present session, meet at half past nine o'clock, A. M.

1. Mr. Nuttall presented the remonstrance of sundry citizens of Oldham against incorporating a company to construct a turnpike road from Louisville to the mouth of Harrod's creek.

2. Mr. James presented the petition of Jonathan W. Terrell, guardian of the infant children of John Terrell, deceased, and Thomas S. Terrell, praying that the proceeds of the sale of a tract of land, in McCracken county, coming to the said infants, may be paid over to their guardian instead of vesting it in Bank stock.

3. The Speaker presented the petition of P. E. McElroy, executor of

Thomas P. Gibbs, deceased, praying for the passage of a law legalizing the proceedings of the Marion County Court, in admitting a copy of the will of said Gibbs to record, and authorizing the Marion County Court to settle his accounts as executor.

Which were received and referred; the 1st to the committee of Internal Improvement, and the 2d and 3d to the committee on the Judiciary.

The following bills were reported from the committees appointed for that purpose, viz:

By Mr. Wickliffe—A bill to amend the charter of Transylvania University.

By Mr. Huston—A bill for the benefit of the widow and heirs of Stephen Gilbert, deceased.

Which were read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Two messages, in writing, were received from the Governor by Mr. Bullock, Secretary of State.

On the motion of Mr. Beatty, the report of the committee on Education, in relation to endowing an Agricultural School for the State of Kentucky, and the report of the said committee in relation to educating poor young men for teachers of common schools, were recommitted to the same committee.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky.

Mr. Ford moved to amend the said amendment, (Sec. 47,) by striking out so much thereof as prohibits the President and Directors of the principal Bank from locating the branch in the first district, at either of the places where a branch of the Bank of Kentucky is established.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ford and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Guthrie,	Nuttall,
Bradshaw,	Hanson,	Pitts,
Burnett,	Huston,	Pratt,
De Courcy,	Jasper,	Wallace,
Dixon,	Jesup,	Young, S.—16.
Ford,		

Those who voted in the negative were—

Messrs. Barlow,	Davidson,	May,
Clarke,	James,	Morgan, D.

Morgan, J. S.
Murrell,
Schooling,
Walker, C. J.

Walker, J. V.
Watkins,
Weller,
Wickliffe,

Willis,
Wingate,
Young, A.—17.

The said amendment, as amended, is as follows, viz:

SEC. 47. That the President and Directors of the Southern Bank of Kentucky shall locate the principal Bank within the district composed of the counties of Livingston, Caldwell, Trigg, Christian, Todd, Logan, Butler, Edmonson, Warren, Allen, Simpson, Monroe, Barren and Hart; and they shall locate one branch of said Bank within the same district; but neither the mother Bank nor the said branch shall be located at the places where a branch of the Bank of Kentucky is established: they shall also locate a branch of said Bank in a district composed of the counties of Hickman, Calloway, Graves and McCracken; and a branch in a district composed of the counties of Henderson, Union, Hopkins and Muhlenburg; and a branch of said Bank in a district composed of the counties of Adair, Cumberland, Clinton, Russell, Casey, Pulaski, Rockcastle, Whitley and Wayne; and a branch in a district composed of the counties of Hardin, Meade, Breckinridge, Grayson, Hancock, Ohio and Daviess. The sixth branch on the north of Green river, they shall be under no obligation to locate, and may locate and establish the same at such time and place as they may deem most advantageous to the institution; provided that the sixth branch shall not have more than \$300,000 of capital, and shall not go into operation until subscriptions are obtained for all the stock in the Bank; and that no branch shall go into operation, in the first instance, with less than \$50,000 paid in; provided further, that if the directory of the Bank shall find that the location of the said sixth branch shall, in their opinion, prove prejudicial to the interest of the institution, that they shall have power, at any time, to withdraw said branch altogether, or locate it elsewhere at their discretion.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Barlow,
Beatty,
Bradshaw,
Burnett,
Clarke,
Davidson,
De Courcy,
Dixon,
Guthrie,
Hanson,

Huston,
James,
Jasper,
May,
Morgan, D.
Morgan, J. S.
Murrell,
Nuttall,
Pitts,
Pratt,
Schooling,

Walker, C. J.
Walker, J. V.
Wallace,
Watkins,
Weller,
Wickliffe,
Willis,
Wingate,
Young, A.
Young, S.—32.

Those who voted in the negative were—

Messrs. Ford,

Jesup—2.

Mr. Barlow moved to amend the said amendment by adding thereto the following proviso, viz:

Provided that when the stock shall be taken in the district composed of the counties of Cumberland, Clinton, Adair, &c., the President and Directors shall locate a branch in the town of Burksville.

The question being taken on the adoption of the amendment moved by Mr. Barlow, it was decided in the negative.

Mr. D. Morgan moved to amend the next amendment by adding thereto the following proviso, viz:

Provided that said branch shall not be located at any city or town on the north side of the Kentucky river, where any Bank, or branch of any Bank, is situated.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Wallace,
Barlow,	Morgan, D.	Watkins,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
De Courcy,	Rice,	Willis,
Hanson,	Schooling,	Wingate,
James,	Walker, C. J.	Young, A.
Jasper,	Walker, J. V.	Young, A.—24.

Those who voted in the negative were—

Messrs. Beatty,	Ford,	Nuttall,
Bradshaw,	Guthrie,	Pitts,
Burnett,	Huston,	Pratt—11.
Dixon,	Johnston,	

All the amendments reported from the committee were concurred in.

The 35th section of the bill provides that the stock in the said Bank, taken and subscribed for on the part of the Commonwealth, shall be paid by the Governor, by executing to said President and Directors, the bonds or scrip of this Commonwealth, bearing on its face an interest of six per cent. per annum.

Mr. J. S. Morgan moved to amend the said section by striking out "six per cent.," and inserting in lieu thereof "five per cent."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Wallace,
Barlow,	Morgan, J. S.	Wickliffe,
Clarke,	Pratt,	Willis,
Davidson,	Rice,	Wingate,
Ford,	Schooling,	Young, A.—17.
Johnston,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Beatty,	Huston,	Nuttall,
Bradshaw,	James,	Pitts,
Burnett,	Jasper,	Walker, J. V.
Dixon,	Jesup,	Watkins,
Guthrie,	Morgan, D.	Weller,
Hanson,	Murrell,	Young, S.—18.

Mr. Guthrie moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Pitts,
Bradshaw,	Jasper,	Pratt,
Burnett,	Jesup,	Walker, J. V.
Dixon,	Morgan, J. S.	Watkins,
Guthrie,	Murrell,	Wingate,
Hanson,	Nuttall,	Young, S.—19.
Huston,		

Those who voted in the negative were—

Messrs. Ballinger,	May,	Wallace,
Beatty,	Morgan, D.	Weller,
Clarke,	Rice,	Wickliffe,
Davidson,	Schooling,	Willis,
Ford,	Walker, C. J.	Young, A.—16.
Johnston,		

She question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Clarke,	Guthrie,
Burnett,	Dixon,	Hanson,

James,
Jasper,
Jesup,
Johnston,

Morgan, D.
Murrell,
Nuttall,
Pitts,

Walker, J. V.
Watkins,
Weller,
Young, S.—18.

Those who voted in the negative were—

Messrs. Ballinger,
Barlow,
Bradshaw,
Davidson,
Ford,
Huston,

May,
Morgan, J. S.
Pratt,
Rice,
Schooling,
Walker, C. J.

Wallace,
Wickliffe,
Willis,
Wingate,
Young, A.—17.

And then the Senate adjourned.

TUESDAY, FEBRUARY 12, 1839.

A message was received from the House of Representatives, announcing that they had disagreed to bills from the Senate of the following titles, viz:

An act to change the time of holding certain Circuit Courts, and for other purposes.

An act for the benefit of Patsey, Jane and Daniel Hazelwood.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to regulate the administration and settlement of estates.

An act to amend the law concerning the action of trespass.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to incorporate the Maysville Lyceum.

An act to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved 16th of January, 1838.

An act for the benefit of Harrison Rankins, and wife, and children.

An act for the benefit of the estate of Franklin C. Averil.

An act for the benefit of Mary McBrayer, and her children.

An act to amend an act, entitled, an act to authorize the citizens of the

town of Columbus, in the county of Hickman, to elect their trustees, and for other purposes, approved February 9th, 1837.

That they had passed bills from the Senate of the following titles, with amendments, viz:

An act to alter the mode of summoning petit jurors.

An act changing the terms of the Court of Appeals, and for other purposes.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the town of Rumsey.

An act to amend the charter of the town of Paducah.

An act to amend the law of petitions and summons, and actions on joint contracts.

And that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace.

An act making an appropriation to the Anderson county Seminary.

An act to reduce into one the several attachment laws, and for settling proceedings on attachments against absconding debtors.

An act authorizing the condemnation of land for toll houses.

An act for the benefit of John Myers.

An act allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.

An act to change the name of Eloisa Rook to that of Eloisa Marshall.

An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land.

An act for the benefit of the infant heirs of Edward Hord, deceased.

An act to continue in force an act for the benefit of the holders of head-right certificates.

An act to amend an act, entitled, an act to prevent further confiction of land claims, and to secure to seaters and improvers, a preference of location to lands improved by them.

An act authorizing a sale of the land and slaves descended to Mary McFeeters.

An act for the benefit of Annie H. Blair, and the widow and heirs of William C. Warfield.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act concerning the estate of Daniel Riley, deceased.

An act regulating the issuing of executions from the Court of Appeals.

Mr. Wallace presented the petition of John Boggess, praying for the passage of a law to release him and his securities from returning to the Quartermaster General certain arms.

Mr. Johnston presented the petition of Lavina Vansant, praying for the passage of a law authorizing the sale of a house and lot belonging to the heirs of Christopher Vansant, deceased.

Which petitions were received; the former was referred to the committee on Military Affairs, and the latter to the committee on the Judiciary.

Mr. Watkins, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Clerks of the Henderson, Barren, Simpson, Logan and Union Circuit and County courts.

An act for the divorce of Hugh Lane.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Watkins reported that the committee had performed that duty.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the relief of the widow and heirs of Robert S. Samuel.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

An act to establish the town of Brooksville, in Bracken county.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act to incorporate the town of Port Royal.

An act to increase the powers of the trustees of the town of Columbia.

An act to establish the town of Hillsborough, in Fleming county.

An act for the benefit of the representatives of Rodolphus B. Great-house, deceased.

An act for the benefit of the heirs of Harmon A. Stiger.

An act authorizing the sale of real estate of Hiram Spurlocks, deceased, and for other purposes.

An act for the benefit of the heirs of John Carey, deceased—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Croper, James Southard and William Sugg, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Guthrie, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the heirs and representatives of Jos. Walker.
2. An act to incorporate the town of Wyoming, in the county of Bath.
3. An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin and Thomas J. Gough, Justices of the Peace, reported the same with amendments—which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading of the 2d and 3d bills being dispensed with,

Resolved, That the said bills do pass, and that the title of the 2d be as aforesaid, and the title of the 3d amended to read, an act for the benefit of Enoch Yantis.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the appointment of Attorneys for the Commonwealth, reported the same with an amendment—which was concurred in.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Pratt,
Barlow,	Hanson,	Rice,
Beatty,	Huston,	Schooling,
Bradshaw,	Jasper,	Tomlinson,
Burnett,	Jesup,	Walker, C. J.
Clarke,	Johnston,	Wallace,
Davidson,	May,	Wickliffe,
De Courcy,	Morgan, J. S.	Willis,
Dixon,	Murrell,	Young, A.
Ford,	Pitts,	Young, S.—30.

Those who voted in the negative were—

Messrs. James,	Walker, J. V.	Weller—5.
Nuttall,	Watkins,	

Mr. Guthrie, from the same committee, to whom was referred a bill to incorporate the Louisville and Mississippi Railroad Company, reported the same with amendments—which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The following bills, from the House of Representatives, were reported from the committees to whom they were referred without amendment, viz:

By Mr. Huston, from the committee of Privileges and Elections—An act to establish an election precinct at S. R. Pace's store, in Barren county.

By Mr. Wingate, from the committee of Religion—An act for the divorce of Maria K. Vance.

By Mr. Hanson, from the committee of Finance—An act for the benefit of the Sheriff of Livingston county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, reported the following bills, viz:

1. A bill to regulate the town of Clay Village.

2. A bill for the benefit of James Doyle and his legal representatives.

3. A bill for the benefit of the widow and heirs of Stephen Gilbert, deceased.

4. A bill to incorporate the Green river Copperas, Alum and Coal Mining Company.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 2d and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee of Privileges and Elections, made the following report, viz:

The committee of Privileges and Elections have had under consideration the returns from the several Senatorial districts, and report the following gentlemen elected, viz:

From the 1st Senatorial district, Thomas James; from the 2d James C. Weller; from the 3d Samuel B. Jesup; from the 4th James V. Walker; from the 5th Archibald Dixon; from the 6th Richard S. Ford; from the 7th James Murrell; from the 8th William T. Willis; from the 9th John S. Barlow; from the 10th William Bradshaw; from the 11th Archilles Jasper; from the 12th Anselm Watkins; from the 13th James G. Pitts; from the 14th George Roberts; from the 15th James Guthrie; from the 16th Elijah F. Nuttall; from the 17th George W. Johnston; from the 18th Stanley Young; from the 19th James Schooling; from the 20th John A. Tomlinson; from the 21st Isaac Burnett; from the 22d Michael Davidson; from the 23d Charles J. Walker; from the 24th Franklin Ballinger; from the 25th John Wallace; from the 26th William De Courcy; from the 27th John S. Mor-

gan; from the 28th Cyrus Wingate; from the 29th John Pratt; from the 30th Mark E. Huston; from the 31st Robert Wickliffe; from the 32d Wm. Clarke; from the 33d Aquilla Young; from the 34th James M. Rice; from the 35th Daniel Morgan; from the 36th Adam Beatty; from the 37th Samuel May, and from the 38th Samuel Hanson.

Your committee find the term of service of Samuel B. Jesup, Anselm Watkins, James Guthrie, Elijah F. Nuttall, Stanley Young, Daniel Morgan, Adam Beatty, Samuel May, and Samuel Hanson will expire in the year 1839.

Thomas James, Archibald Dixon, James Murrell, William T. Willis, Wm. Bradshaw, Archilles Jasper, George Roberts, Michael Davidson, Cyrus Wingate, and Aquilla Young in the year 1840.

Franklin Ballinger, John S. Barlow, William De Dourey, Richard S. Ford, James Schooling, James C. Weller, John A. Tomlinson, Mark E. Huston, and Robert Wickliffe in the year 1841.

James V. Walker, James G. Pitts, George W. Johnston, Isaac Burnett, Charles J. Walker, John Wallace, John S. Morgan, John Pratt, William Clarke, and James M. Rice in the year 1842.

Mr. Huston, from the same committee, made the following report, viz:

The committee of Privileges and Elections have had under consideration the returns from the several counties in the State, of the votes for a call of a Convention, and also the votes in each county, according to the returns made by the several Commissioners of the revenue in 1838, and have ascertained them to be as follows, viz:

COUNTIES.	Total No. of votes in each county.	No. of votes in each county for convention.
Adair, - - - - -	1242	337
Allen, - - - - -	1123	166
Anderson, - - - - -	809	155
Bracken, - - - - -	1103	213
Bullitt, - - - - -	932	38
Bourbon, - - - - -	1707	178
Barren, - - - - -	2310	658
Breckinridge, - - - - -	1248	408
Boon, - - - - -	1368	387
Butler, - - - - -	462	126
Bath, - - - - -	1386	622
Campbell, - - - - -	1698	893
Caldwell, - - - - -	1318	871
Christian, - - - - -	1680	409
Clarke, - - - - -	1442	144
Clay, - - - - -	695	329
Cumberland, - - - - -	862	306

COUNTIES.	Total No. of votes in each county.	No. of votes in each county for convention
Calloway, - - - - -	1381	791
Casey, - - - - -	770	159
Clinton, - - - - -	614	471
Carroll, - - - - -	no returns	236
Carter, - - - - -	469	148
Daviess, - - - - -	1123	175
Edmonson, - - - - -	517	75
Estill, - - - - -	975	304
Franklin, - - - - -	1175	34
Fayette, - - - - -	2342	35
Floyd, - - - - -	898	616
Fleming, - - - - -	2125	933
Gallatin, - - - - -	988	244
Greenup, - - - - -	1369	95
Green, - - - - -	1952	192
Grant, - - - - -	655	179
Graves, - - - - -	969	694
Grayson, - - - - -	752	65
Garrard, - - - - -	1501	181
Henry, - - - - -	1528	670
Hart, - - - - -	950	326
Harlan, - - - - -	448	238
Henderson, - - - - -	983	140
Hopkins, - - - - -	1207	790
Hickman, - - - - -	1502	889
Harrison, - - - - -	1715	362
Hardin, - - - - -	2260	154
Hancock, - - - - -	369	113
Jefferson, - - - - -	4400	381
Jessamine, - - - - -	1148	373
Knox, - - - - -	716	429
Lewis, - - - - -	939	527
Lincoln, - - - - -	1243	165
Laurel, - - - - -	521	157
Lawrence, - - - - -	830	484
Livingston, - - - - -	1157	182
Logan, - - - - -	1556	179
Muhlenburg, - - - - -	1063	106
Madison, - - - - -	2092	627
Montgomery, - - - - -	1144	231
Mercer, - - - - -	2281	566
Morgan, - - - - -	661	365
Mason, - - - - -	2331	197
Monroe, - - - - -	909	488

COUNTIES.	Total No. of votes in each county.	No. of votes in each county for convention
Meade, - - - - -	668	271
McCracken, - - - - -	609	167
Marion, - - - - -	1361	108
Nicholas, - - - - -	1290	449
Nelson, - - - - -	1792	43
Ohio, - - - - -	949	140
Owen, - - - - -	1149	146
Oldham, - - - - -	955	238
Pulaski, - - - - -	1749	1121
Perry, - - - - -	674	410
Pendleton, - - - - -	713	171
Pike, - - - - -	510	311
Rockcastle, - - - - -	650	136
Russell, - - - - -	676	290
Simpson, - - - - -	845	443
Shelby, - - - - -	2198	203
Scott, - - - - -	1895	47
Spencer, - - - - -	923	73
Todd, - - - - -	1056	171
Trigg, - - - - -	995	433
Trimble, - - - - -	858	-
Union, - - - - -	875	563
Wayne, - - - - -	1140	573
Woodford, - - - - -	1180	96
Warren, - - - - -	920	390
Whitley, - - - - -	709	335
Washington, - - - - -	1376	138

Total number of votes in Kentucky, - - - 104,622

Total for Convention, - - - 28,170

Total against Convention, - - - 76,452

All of which is respectfully submitted.

MARK E. HUSTON, *Chairman.*

A message in writing, received from the Governor on the ninth instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
Frankfort, February, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, William D. Allison, to be Notary Public in and for the county of Henderson, in place of D. McBride, resigned.

Edward J. F. Dyer, to be Notary Public for the county of Jefferson.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, received from the Governor on the ninth instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
February, 1839. }

Gentlemen of the Senate:

I nominate for your advise and consent, Robert C. Rogers, to be Lieutenant Colonel in the 8th Regiment, in place of Larkin Webster, removed.

Benjamin M. Taul, to be Major of the 8th Regiment, in place of Robert C. Rogers, if promoted.

George W. Bush, to be Colonel of the 17th Regiment, in place of Zachariah Haggard, resigned.

James Mullens, to be Lieutenant Colonel in the 17th Regiment, in place of George W. Bush, if promoted.

Claiborne Eubank, to be Major of the 17th Regiment, in place of James Mullens, if promoted.

George R. Foster, to be Lieutenant Colonel of the 47th Regiment, in place of John W. Litton, resigned.

William Collins, to be Major of the 47th Regiment, in place of George R. Foster, if promoted.

H. S. Emmerson, to be Major General of the 9th Division, in place of Thomas Sterrett, resigned.

N. H. Parish, to be Brigadier General of the 20th Brigade, in place of William Marshall, resigned.

Leonard Stephens, to be Major General of the 13th Division, in place of James Taylor, resigned.

Larkin B. Casey, to be Colonel of the 50th Regiment, in place of James McDonald, resigned.

Mountford Peter, to be Lieutenant Colonel of the 50th Regiment, in place of L. C. Cornish, removed.

Thos. J. Walker, to be Colonel of the 69th Regiment, in place of Thompson Irwin, removed.

Elijah H. Thomas, to be Lieutenant Colonel of the 69th Regiment, in place of Thomas J. Walker, if promoted.

John T. Carrington, to be Major of the 69th Regiment, in place of Elijah H. Thomas, if promoted.

Thomas R. Stockdale, to be Colonel of the 12th Regiment, in place of James M. Lindsey, resigned.

Joel Strickler, to be Lieutenant Colonel of the 12th Regiment, in place of Thomas R. Stockdale, if promoted.

William P. Duvall, to be Major of the 12th Regiment, in place of Joel Stickler, if promoted.

Elisha Beasley, to be Major of the 92d Regiment, in place of David Blackwell, resigned.

Duncan Harding, to be Colonel of the 86th Regiment, in place of Lucius Desha, promoted.

Septimus T. Hamilton, to be Lieutenant Colonel of the 86th Regiment, in place of Samuel R. Vanhook, resigned.

Isaac N. Lair, to be Major of the 86th Regiment, in place of Pinkney McMurtry, resigned.

Benjamin Northcutt, to be Lieutenant Colonel of the 105th Regiment, in place of William Sayers, removed.

Samuel Rector, to be Major of the 105th Regiment, in place of Benjamin Northcutt, if promoted.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, received from the Governor on the eleventh instant, was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT, }
February 11th, 1839. }

Gentlemen of the Senate :

I nominate for your advise and consent, Aylette Buckner, to be Commonwealth's Attorney for the 8th Judicial District, in place of Zachariah Wheat, resigned.

William Gordon, Thomas McCormick, Benjamin Barner, Richard Olive and William Smedley, to be Trustees of the Cumberland Hospital.

JAS. CLARK.

The nomination of the said Buckner was not acted on.

Resolved, That the Senate advise and consent to the appointment of the said Trustees of Cumberland Hospital.

A message, in writing, received from the Governor on yesterday, was taken up and read as follows, viz :

EXECUTIVE DEPARTMENT, }
Frankfort, February 11, 1839. }

Gentlemen of the Senate

and House of Representatives :

In compliance with a request of the General Assembly of the State of Alabama, I herewith transmit "a joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government."

JAS. CLARK.

EXECUTIVE DEPARTMENT, }
Tuskaloosa, January 30th, 1839. }

SIR :

I have the honor to enclose you a copy of a joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to cer-

tain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government.

With perfect respect,

I have the honor to be,

Your Excellency's most ob't. sev't,

A. P. BAGBY.

*His Excellency,
the Governor of Kentucky.*

Joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government.

WHEREAS, certain joint resolutions of the General Assembly of the Commonwealth of Kentucky, entitled, "joint resolutions in relation to the currency and the administration of the general government," have been communicated to this General Assembly, by the Governor of this State, agreeable to a request preferred in said joint resolutions. These resolutions deplore the evils produced in the country by the general suspension of specie payments in May, 1837; they charge these evils mainly to the acts of the late administration, especially to the veto of the bill rechartering the late Bank of the United States, the removal of the deposits and the specie circular; they charge the present Executive of the United States with a want of sympathy with the people, whom they are pleased to represent as "suffering," and with cold indifference to the country whose condition they are pleased to consider "lamentable," and as being anxious only "to supply the wants of the Treasury, and to protect the interests of the official corps;" they denounce the Independent Treasury Scheme as tending "to augment executive power—to the engrossment by the Executive of the United States of all the paper emissions—to place in his possession, or under his control, a great portion of the specie of the country—to abuse, waste and corruption"—and finally, to "the union of the purse and the sword;" and they express great satisfaction at the defeat of the bill, having for its object, the establishment of this system, at the last session of Congress. They express deep regret that the present Chief Magistrate of the United States, heedless of experience, as they pretend, is resolved to persevere in ruining the country and destroying the liberties of the people; they declare that it is the duty of the federal government "to secure a general medium of circulation of uniform value throughout the United States, and recommend a United States Bank as the most efficient means for the accomplishment of such an end; they charge the late administration of the federal government with "wasteful extravagance," and the late President with "abuse, encroachments and usurpations;" and, finally, they declare that "every consideration of safety, of interest and pride of national character, demands a thorough reform of the administration of the general government." The General Assembly of the Commonwealth of Kentucky, in communicating, in this form, her own views and opinions on the various subjects to her sister States, it was doubtless intended, and desired by the Commonwealth of Kentucky,

to elicit ours in return. In response to the General Assembly of the Commonwealth of Kentucky, touching the premises,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this State does not concur with the Commonwealth of Kentucky in the views and opinions expressed by the latter, in her resolutions aforesaid, on any one of the prominent or important questions therein presented, but that on the contrary, those views and opinions generally meet our decided dissent. We disagree with our sister Kentucky respecting the causes of the late suspension of specie payments and its consequent evils, and insist that the same was mainly attributable to other causes than any action of the federal government. We eschew a National Bank in every form in which it can be presented, and heartily applaud the late President for the virtue and firmness with which he combatted and finally overthrew that strong tower of federalism and aristocracy, the late Bank of the United States. We deny that it is either the right or the duty of the federal government, to furnish a general currency for the country, the right and duty of that government in this regard, begin and end, as we conceive, with furnishing a currency standard of value, and with preserving and maintaining that standard by suitable regulations respecting her own receipts and disbursements. We consider the charge of want of sympathy with the people, and of indifference to the interests of the country, made against President Van Buren, as the mere ebullition of political animosity, without truth or reason to support it.

Resolved, That we esteem ourselves a prosperous, free and highly favored people, and cannot be persuaded either that we are "suffering," or that the condition of our country is "lamentable."

Resolved, That we admire, approve, and will cordially support the separation of Bank and State, and the establishment of an Independent Treasury, and confidently expect the intrinsic merits of this great measure ultimately to vindicate its claims, with an intelligent and patriotic people, over selfishness, passion and political prejudices.

Resolved, That we have listened, without emotion, to the expressions of our sister Kentucky about "the union of the purse with the sword, and the ruin of the country and of liberty;" the defeated and disappointed panic-makers of the last six years, have made such language trite and familiar.

Resolved, That we are satisfied with the present administration and its leading measures; we want no reform, and least of all, such a reform as our sister Kentucky would be likely to give us—a National Bank, a protective tariff—a grand and corrupting system of internal improvement of the federal government.

Resolved, That we view, with mingled sorrow and indignation, the charge of "abuse, encroachments and usurpations" made against the venerable retired patriot of the Hermitage. Passion and prejudice may do their worst—he is beyond their reach. In the eloquent language of another, "he has carried the star of his civil fame to the highest point in the political firmament, there to remain forever scaring the eyeballs of envy, but cheering the heart and guiding the footsteps of patriotism, and shedding its benign influence on the freedom, happiness, prosperity and glory of his country."

Resolved, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to the Governor of the Common-

wealth of Kentucky, with a request that he will lay the same before the General Assembly of that Commonwealth.

J. W. McCLUNG,
Speaker of the House of Representatives.
JAMES M. CALHOUN,
President of the Senate.

Approved January 26, 1839.

A. P. BAGBY.

Ordered, That the said message be laid on the table, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Wickliffe, leave was given to withdraw the papers accompanying the petition of Jeremiah Delph.

Mr. Hanson, from the committee of Finance, reported a bill for the benefit of Noah C. Summers, and others.

Which were read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being amended and engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill further to provide for the internal Improvement of the Commonwealth, and had gone through the same, and made sundry amendments thereto, which he handed in at the Clerk's table.

The fifth section of the bill authorizes the Governor to issue and sell the bonds or scrip of the commonwealth, in the present year, to the amount of one million of dollars for internal improvements. One of the said amendments proposes to amend the said section so as to authorize the bonds or scrip to be issued and sold to the amount of one million one hundred thousand dollars.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Clarke,
Davidson,

De Courcy,
Guthrie,
Hanson,
Morgan, D.

Morgan, J. S.
Pitts,
Pratt,
Rice,

Walker, J. V.
Wallace,
Watkins,

Wickliffe,
Willis,

Wingate,
Young, S.—19.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Dixon,
Ford,

Huston,
James,
Jasper,
Jesup,

Johnston,
May,
Schooling,
Weller—13.

The eleventh section of the said bill is as follows, viz :

SEC. 11. That the sum of ten thousand dollars be, and the same is hereby appropriated to the opening a road from Irvine, in Estill county, to the mouth of Troublesome, in *Perry county*, provided the Board of Internal Improvement shall be of opinion that the work is one of sufficient public utility to justify the expenditure.

One of the amendments proposes to amend the said section by inserting, after the words "*Perry county*," printed in italics, the following, viz :

"That the sum of ten thousand dollars is hereby appropriated to the road from Greensburg, by the way of Columbia, Jamestown and Monticello, to the Tennessee line, in a direction of Knoxville."

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Johnston and Rice, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,
Barlow,
Beatty,
Bradshaw,
Burnett,
Clarke,
Davidson,
De Courcy,
Dixon,
Ford,
Guthrie,

Hanson,
Huston,
James,
Jasper,
Jesup,
May,
Morgan, D.
Morgan, J. S.
Murrell,
Pitts,
Pratt,

Rice,
Schooling,
Walker, C. J.
Walker, J. V.
Wallace,
Watkins,
Weller,
Wickliffe,
Willis,
Wingate,
Young, S.—34.

Those who voted in the negative were—Mr. Johnston.

The other amendments were concurred in.

The third section of the said bill is as follows, viz :

SEC. 3. And in addition to the sums hereto appropriated to the Licking river navigation for the purpose of progressing with the five locks and dams, now under contract on said river, *and of putting three additional locks and*

dams under contract on said river in the year 1839, the sum of seventy thousand dollars is hereby appropriated.

Mr. Ford moved to amend the said section by striking out the words, "and of putting three additional locks and dams under contract upon said river in the year 1839," printed in italics.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Dixon,	Huston,	Schooling,
Ford,	Johnston,	Young, S.—6.

Those who voted in the negative were—

Messrs. Ballinger,	Jasper,	Tomlinson,
Barlow,	Jesup,	Walker, C. J.
Beatty,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Burnett,	Morgan, J. S.	Watkins,
Clarke,	Murrell,	Weller,
Davidson,	Nuttall,	Wickliffe,
De Courcy,	Pitts,	Willis,
Guthrie,	Pratt,	Wingate,
Hanson,	Rice,	Young, A.—31.
James,		

Mr. Wingate moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jesup and Wingate, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Wickliffe,
Beatty,	Morgan, J. S.	Willis,
Clarke,	Murrell,	Wingate,
Davidson,	Nuttall,	Young, A.
Guthrie,	Wallace,	Young, S.—17.
Johnston,	Watkins,	

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Rice,
Bradshaw,	Jasper,	Schooling,
Burnett,	Jesup,	Tomlinson,
De Courcy,	May,	Walker, C. J.
Dixon,	Pitts,	Walker, J. V.
Ford,	Pratt,	Weller—19.
Hanson,		

Mr. Dixon moved to amend the said bill by adding thereto the following section, viz :

"Be it further enacted, That the Board of Internal Improvement shall put under contract the present year, at as early a day as practicable, on Pond river and on Tradewater river, such system of improvement as is best calculated to facilitate and secure a permanent descending navigation in said streams, as high as they have been declared navigable, or as high as such improvement will be useful; and for that purpose they may expend any sum not exceeding the amount of the former appropriations heretofore made to each of said streams."

The question being taken on the adoption of the said amendment, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Dixon and J. V. Walker, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Schooling,
Barlow,	Jasper,	Tomlinson,
Bradshaw,	Jesup,	Walker, J. V.
Burnett,	May,	Watkins,
Clarke,	Murrell,	Weller,
Dixon,	Pitts,	Willis—18.

Those who voted in the negative were—

Messrs. Beatty,	Johnston,	Walker, C. J.
Davidson,	Morgan, D.	Wallace,
De Courcy,	Morgan, J. S.	Wickliffe,
Ford,	Nuttall,	Wingate,
Guthrie,	Pratt,	Young, A.
Hanson,	Rice,	Young, S.—18.

The said bill was further amended.

Mr. Guthrie moved to lay the said bill on the table until the first day of June next.

Mr. Beatty moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the affirmative.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Weller, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,	Clarke,	De Courcy,
Beatty,	Davidson,	Hanson,

Jesup,
May,
Morgan, D.
Morgan, J. S.
Murrell,

Pitts,
Rice,
Walker, J. V.
Wallace,

Watkins,
Wickliffe,
Wingate,
Young, A.—19.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Dixon,
Ford,

Guthrie,
Huston,
Jasper,
Johnston,
Schooling,

Tomlinson,
Walker, C. J.
Weller,
Willis,
Young, S.—15.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 13, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to the amendments proposed by that House to a bill from the Senate, entitled, an act for the benefit of Anderson Dunn and and Isaac Hemingway.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz :

An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

An act to incorporate the trustees of the Republican School, in Bracken county.

An act to increase the capital stock of the Falmouth Bridge Company, and for other purposes.

An act to provide for running the line between Marion and Washington counties.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

An act to change the place of voting from the house of Henry Haynie, in Lawrence county, to that of James Rous, in said county, and to abolish an election precinct in Hardin county.

An act for the benefit of the infant heirs of Samuel Pottinger, deceased.

An act to enlarge the powers of the trustees of Brandenburg.

An act to incorporate the towns of New Haven, Hodgenville and Big Spring.

An act for the benefit of Volney E. Bragg, late deputy Sheriff of Lewis county.

An act to increase the pay of patrollers, in Fayette county.

That they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

An act prescribing the duties of the Keeper and Clerk of the Penitentiary—with amendments to the last.

And that they had passed bills of the following titles, viz:

An act providing for a change of venue in the case of the prosecution against Joseph McMillin.

An act for the benefit of John Steele.

An act for the divorce of Rhoda Lytle.

An act for the divorce of Rebecca Hutchinson.

An act to amend an act, entitled, an act to regulate the election of trustees of the town of Scottsville.

An act to authorize the election of trustees of the town of Port Oliver, in the county of Allen.

An act to extend the August term of the Anderson Circuit Court.

An act to amend the charter of the city of Covington.

An act for the benefit of Robert G. Lewis.

Mr. Willis, from the committee of conference on the disagreement between the Houses, on a bill, entitled, an act to change the time of holding the Green Circuit Court, reported that the committee had come to an agreement that the House of Representatives recede from their amendment to said bill. After a short time a message was received from the House of Representatives, announcing that they had receded from their amendments to the said bill.

Mr. Davidson, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the Militia Law of this State, reported the same with the opinion of the committee that it ought not to pass.

The said bill was laid on the table.

Mr. Willis moved to reconsider the vote by which it was laid on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. De Courcy and Rice, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	May,	Weller,
Burnett,	Morgan, J. S.	Wickliffe,
Clarke,	Pitts,	Willis,
De Courcy,	Rice,	Young, S.—14.
Ford,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Ballinger,	James,	Schooling,
Barlow,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Wallace,
Davidson,	Johnston,	Watkins,
Dixon,	Murrell,	Wingate,
Hanson,	Nuttall,	Young, A.—20.
Huston,	Pratt,	

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James R. Wright, guardian of Eliza Jane Curl, legalizing the sale of a slave made by him, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act for the benefit of the heirs of Aaron Foreman, deceased, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Guthrie, from the same committee, to whom was referred a bill for the relief of William E. Dixon, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred without amendment, viz:

By Mr. Pratt, from the committee of Religion—An act for the divorce of John M. Emmerson, Jr.

By Mr. Hanson, from the committee of Finance—An act for the benefit of Thomas Sweeney.

An act for the benefit of the Sheriff of Jefferson county.

An act for the benefit of William Vice.

An act for the benefit of John G. Scrogin, surveyor of Bourbon county.

An act for the benefit of the Sheriff of Montgomery county.

By Mr. Beatty, from the committee on Education—An act appointing trustees of the Lebanon Academy, in Todd county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pratt, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Eliza H. Bush, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Jasper,	Schooling,
Burnett,	Jesup,	Tomlinson,
Clarke,	Johnston,	Walker, C. J.
De Courcy,	May,	Walker, J. V.
Dixon,	Morgan, D.	Watkins,
Ford,	Murrell,	Willis,
Hanson,	Pitts,	Young, A.
Huston,	Pratt,	Young, S.—26.
James,	Rice,	

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Weller,
Beatty,	Morgan, J. S.	Wickliffe,
Bradshaw,	Nuttall,	Wingate—11.
Davidson,	Wallace,	

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James E. Stone, Clerk of the Hancock County Court, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill were disagreed to.

Mr. Hanson, from the same committee, reported a bill to regulate the mode of appointing trustees of the Cumberland Hospital.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. James moved to recommit the said bill to the same committee, with instructions to report a bill authorizing the citizens of the town of Smithland to elect the trustees of the said Hospital.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Ford,	Schooling,
Burnett,	James,	Tomlinson,
De Courcy,	Jasper,	Wingate—9.

Those who voted in the negative were—

Messrs. Beatty,	Jesup,	Walker, J. V.
Bradshaw,	Johnston,	Wallace,
Davidson,	May,	Weller,
Guthrie,	Morgan, J. S.	Wickliffe,
Hanson,	Pitts,	Young, A.
Huston,	Pratt,	Young, S.—18.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hanson, the committee of Finance was discharged from the further consideration of the resolutions directing the said committee to inquire into the expediency of increasing the compensation of jailers for dieting runaway slaves, and for keeping persons in jail on a charge of felony.

The following bills were reported, viz:

By Mr. Davidson, from the committee on Military Affairs—1. A bill for the benefit of John B. Whitford and his securities.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill to increase the powers of the trustees of Barboursville.

3. A bill for the benefit of the executor of Thomas P. Gibbs.

By Mr. Hanson, from the committee of Finance—4. A bill increasing the allowance to the jailer of McCracken county for keeping runaway slaves.

5. A bill for the benefit of Sythey Ellis.

6. A bill about Sheriffs' delinquent lists.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the sixth was recommitted to the committee of Finance, and the others were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 4th and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The nomination of Aylette Buckner, to be Commonwealth's Attorney for the 8th Judicial District, in place of Zachariah Wheat, resigned, was taken up.

Resolved, That the Senate advise and consent to the said appointment.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act prescribing the duties of the Keeper and Clerk of the Penitentiary, were twice read and concurred in.

Engrossed bills of the following titles were severally read the third time, viz:

An act to amend the charter of the Maysville Insurance Company.

An act to incorporate the Jefferson Turnpike Company.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to incorporate the Louisville and Mississippi Railroad Company.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act the further to provide for the internal improvement of the Commonwealth, was read the third time.

Mr. Burnett moved to amend the said bill by adding thereto the following engrossed section by way of ryder, viz:

Be it further enacted, That the sum of one thousand dollars be, and the same is hereby appropriated, or so much thereof as may be necessary for the improvement of the descending navigation of Little river, it having been ascertained that the amount heretofore appropriated is not sufficient to accomplish the work.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burnett and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Schooling,
Burnett,	Jasper,	Tomlinson,
De Courcy,	Jesup,	Walker, J. V.
Dixon,	Murrell;	Weller,
Ford,	Nuttall,	Willis,
Huston,	Pitts,	Wingate—18.

Those who voted in the negative were—

Messrs. Ballinger,	Johnston,	Walker, C. J.
Beatty,	May,	Wallace,
Bradshaw,	Morgan, D.	Watkins,
Clarke,	Morgan, J. S.	Wickliffe,
Davidson,	Pratt,	Young, A.
Guthrie,	Rice,	Young, S.—19.
Hanson,		

Mr. Tomlinson moved to recommit the said bill to the committee of Internal Improvement.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tomlinson and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Walker, C. J.
Beatty,	Johnston,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Watkins,
Davidson,	Murrell,	Wingate,
De Courcy,	Pitts,	Young, A.
Ford,	Pratt,	Young, S.—23.
Guthrie,	Tomlinson,	

Those who voted in the negative were—

Messrs Barlow,	James,	Schooling,
Burnett,	Jasper,	Weller,
Dixon,	May,	Wickliffe,
Huston,	Rice,	Willis—12.

A bill from the House of Representatives, entitled, an act for the divorce of Rebecca Hutchinson, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee of Religion.

Mr. Guthrie moved to reconsider the vote by which a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky was ordered to be read a third time, as amended.

And then the Senate adjourned.

THURSDAY, FEBRUARY 14, 1839.

An engrossed bill, entitled, an act to incorporate the Green river Copperas, Alum and Coal Mining Company, was read the third time.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and Nuttall, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Huston,	Pitts,
Burnett,	Jasper,	Rice,
Davidson,	Jesup,	Walker, J. V.
Ford,	Johnston,	Watkins,
Guthrie,	Murrell,	Weller,
Hanson,	Nuttall,	Wickliffe—18.

Those who voted in the negative were—

Messrs. Barlow,	Pratt,	Willis,
Bradshaw,	Schooling,	Young, A.
May,	Wallace,	Young, S.—10.
Morgan, J. S.		

Resolved, That the title of the said bill be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Anderson Dunn, Isaac Hemingway and William Ratcliffe.

An act for the benefit of Rebecca Evans.

An act to repeal so much of the 79th section of the militia law as requires the militiamen to carry guns to muster.

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to appoint trustees for the town of Summersville.

An act to amend an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets, to be lodged with the Secretary of State, by the Banks of the Commonwealth.

An act for the benefit of the estate of Franklin C. Averil.

An act for the benefit of William Spratt, and others.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their trustees, and for other purposes, approved February 9, 1837.

An act for the benefit of Mary McBrayer, and her children.

An act to amend the law concerning the action of trespass.

An act to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act to incorporate the Maysville Lyceum.

An act for the benefit of Harrison Rankins, and wife, and children.

An act to change the time of holding the Green Circuit Court.

An act prescribing the duties of the Keeper and Clerk of the Penitentiary.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved 16th of January, 1838.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The Senate resumed the consideration of the motion of Mr. Guthrie to reconsider the vote by which a bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky, was ordered to be read a third time, as amended.

Mr. Guthrie asked for leave to withdraw the said motion.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Huston,	Schooling,
Burnett,	Jasper,	Tomlinson,
Davidson,	Jesup,	Walker, C. J.
De Courcy,	Johnston,	Watkins,
Dixon,	Nuttall,	Wingate,
Ford,	Rice,	Young, S.—20.
Guthrie,	Roberts,	

Those who voted in the negative were—

Messrs. Ballinger,	May,	Walker, J. V.
Barlow,	Morgan, D.	Wallace,
Beatty,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe,
Hanson,	Pitts,	Willis,
James,	Pratt,	Young, A.—18.

Mr. Murrell moved to reconsider the vote ordering the said bill to be read a third time, as amended.

The question being taken thereon, it was decided in the negative. The rules of the Senate requiring a vote of two thirds to reconsider a question, when the motion is not made within two days after the question was decided.

The yeas and nays being required thereon by Messrs. Barlow and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Schooling,
Barlow,	Morgan, J. S.	Walker, J. V.
Beatty,	Murrell,	Wallace,
Clarke,	Pitts,	Weller,
Davidson,	Pratt,	Wickliffe,
Hanson,	Rice,	Willis,
James,	Roberts,	Young, A.—22.
May,		

Those who voted in the negative were—

Messrs. Bradshaw,	Huston,	Tomlinson,
Burnett,	Jesup,	Walker, C. J.
De Courcy,	Jasper,	Watkins,
Dixon,	Johnston,	Wingate,
Ford,	Nuttall,	Young, S.—16.
Guthrie,		

A message, in writing, was received from the Governor by Mr. Bullock, Secretary of State; also a message announcing that the Governor had, on this day, approved and signed an enrolled bill which originated in the Senate, entitled, an act prescribing the duties of the Keeper and Clerk of the Penitentiary.

Mr. Johnston presented the petition of Otho Wilson, praying to be relieved from the penalty imposed by law for bringing slaves into this Commonwealth, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Wingate, a message was sent to the House of Representatives, informing them that the Senate are now ready to proceed to the election of public officers.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the said election.

After interchanging nominations between the Houses, the Senate proceeded to vote; and committees were appointed to meet committees on the part of the House, to compare the joint vote and report the result.

The committees on the part of the Senate reported that they had per-

performed the duty assigned them, and that Mr. James Davidson had received the unanimous vote of both Houses for the office of Treasurer.

Mr. Albert G. Hodges the unanimous vote of both Houses for the office of Public Printer.

Mr. George A. Robertson for the office of Librarian.

Mr. Henry Wingate for President and Messrs. James Davidson and Owen G. Cates for Directors of the Bank of the Commonwealth: whereupon they were severally declared to be duly elected to these offices for the ensuing year.

The vote of the Senate for Keeper of the Penitentiary stood thus:

For Mr. Thomas S. Theobald—

Messrs. Ballinger,	Jesup,	Tomlinson,
Beatty,	Johnston,	Walker, C. J.
Bradshaw,	May,	Walker, J. V.
Clarke,	Morgan, D.	Wallace,
Davidson,	Morgan, J. S.	Watkins,
Dixon,	Nuttall,	Wickliffe,
Ford,	Pitts,	Willis,
Guthrie,	Pratt,	Wingate,
Hanson,	Rice,	Young, A.
Huston,	Schooling,	Young, S.—30.

For Mr. Charles B. Lewis—

Messrs. Barlow,	James,	Roberts,
Burnett,	Jasper,	Weller—8.
De Courcy,	Murrell,	

The committee on the part of the Senate reported that the joint vote stood thus:

For Mr. Thomas S. Theobald—95.

For Mr. Charles B. Lewis—41.

Mr. Theobald having received a majority of all the votes given, was declared to be duly elected Keeper of the Penitentiary.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to prohibit the County Courts of Floyd, Morgan, &c., to change the State road.

2. An act requiring a special County Court to be held in Shelby county, for the purpose of swearing in deputy Sheriffs.

3. An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

4. An act to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

5. An act for the benefit of James Newton.
6. An act for the benefit of James W. Finnie.
7. An act for the benefit of Fountain Cunningham.
8. An act for the benefit of George W. Williams.
9. An act to authorize the Union County Court to change the location of that part of the State road, leading from the mouth of Salt river to the Ohio, opposite Shawneetown, within the county of Union.
10. An act to establish an election precinct in Christian county.
11. An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.
12. An act to amend the law in relation to the public highways, in Mason county.
13. An act to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.
14. An act for the benefit of Joseph McDowell.
15. An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace.
16. An act making an appropriation to the Anderson county Seminary.
17. An act to reduce into one the several attachment laws, and for settling proceedings on attachments against absconding debtors.
18. An act authorizing the condemnation of land for toll houses.
19. An act for the benefit of John Myers.
20. An act allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.
21. An act to change the name of Eloisa Rook to that of Eloisa Marshall.
22. An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land.
23. An act for the benefit of the infant heirs of Edward Hord, deceased.
24. An act to continue in force an act for the benefit of the holders of head-right certificates.
25. An act to amend an act, entitled, an act to prevent further confiction of land claims, and to secure to seaters and improvers, a preference of location to lands improved by them.
26. An act authorizing a sale of the land and slaves descended to Mary McFeeters.
27. An act for the benefit of Annie H. Blair, and the widow and heirs of William C. Warfield.
28. An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.
29. An act concerning the estate of Daniel Riley, deceased.
30. An act regulating the issuing of executions from the Court of Appeals.
31. An act providing for a change of venue in the case of the prosecution against Joseph McMillin.

32. An act for the benefit of John Steele.

33. An act for the divorce of Rhoda Lytle.

34. An act to amend an act, entitled, an act to regulate the election of trustees of the town of Scottsville.

35. An act to authorize the election of trustees of the town of Port Oliver, in the county of Allen.

36. An act to extend the August term of the Anderson Circuit Court.

37. An act to amend the charter of the city of Covington.

38. An act for the benefit of Robert G. Lewis.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred; the 1st, 9th, 12th and 18th to the committee of Internal Improvement; the 2d, 3d, 5th, 11th, 15th, 17th, 19th, 22d, 23d, 24th, 25th, 26th, 27th, 29th, 30th, 31st, 34th, 35th, 36th and 37th to the committee on the Judiciary; the 4th, 10th and 13th to the committee of Privileges and Elections; the 6th, 7th, 8th and 32d to the committee on Military Affairs; the 14th to the committee of Finance; the 16th to the committee on Education; the 21st, 22d and 38th to the committee of Propositions and Grievances, and the 28th and 33d to the committee of Religion.

Mr. Weller presented depositions in relation to the application of Rhoda Lytle for a divorce, which were received and referred to the committee of Religion.

Mr. Davidson, from the committee on Military Affairs, reported a bill to repeal, in part, an act to change the bounds of the seventh division of Kentucky Militia, and for other purposes.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the House of Representatives to the amendments proposed by the Senate to bills from that House of the following titles, were twice read and concurred in; viz:

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were severally twice read and concurred in, viz:

An act to reduce into one the several acts in relation to the town of Frankfort.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the town of Rumsey.

An act to amend the charter of the town of Paducah.

The amendments proposed by the House of Representatives to the following bills, were twice read and referred to the committee on the Judiciary, viz :

An act to establish the office of Comptroller of the Treasury, and for other purposes.

An act to alter the mode of summoning petit jurors, and for other purposes.

An act changing the terms of the Court of Appeals, and for other purposes.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the law of petitions and summons, and actions on joint contracts, were twice read and disagreed to.

Mr. Guthrie, from the committee on the Judiciary, reported a bill to provide for a Geological survey of the State.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Hanson,

Resolved, That the committee on the Judiciary be instructed to inquire whether the unlawful breaking of a slave into a dwelling house in the night time, with an intent to steal, be burglary; and if not so by the existing law, then that said committee inquire into the expediency of constituting such an offence burglary, punishable with death.

Engrossed bills of the following titles, were severally read the third time viz:

1. An act for the relief of William E. Dixon.

2. An act increasing the powers of the trustees of Barboursville.

3. An act for the benefit of the executor of Thomas P. Gibbs.

Resolved, That the said bills do pass, and that the title of the first be amended to read, an act to provide the mode of compensating the owners of mills injured by slackwater navigation, and that the titles of the second and third be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the third time, as amended, viz:

An act changing the terms of the Fayette Circuit Court.

An act to provide for the appointment of Attorneys for the Commonwealth.

An act for the benefit of the heirs and representatives of Jos. Walker.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to establish the Southern Bank of Kentucky, was read the third time, as amended.

Mr. Ford moved to recommit the said bill to the committee on the Judiciary.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Murrell and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Davidson,	Ford—3.
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Those who voted in the negative were—

Messrs. Ballinger,	Jesup,	Walker, C. J.
Barlow,	Johnston,	Walker, J. V.
Bradshaw,	May,	Wallace,
Burnett,	Morgan, D.	Watkins,
Clarke,	Morgan, J. S.	Weller,
Dixon,	Murrell,	Wickliffe,
Guthrie,	Nuttall,	Willis,
Hanson,	Pitts,	Wingate,
Huston,	Rice,	Young, A.
James,	Schooling,	Young, S.—31.
Jasper,		

Mr. Beatty moved to amend the said bill by adding thereto the following section by way of engrossed ryder, viz:

That if the stock subscribed on the part of the State shall be paid for, in whole or in part, by executing bonds, bearing an interest of six per cent. per annum, agreeably to the 35th section of this act, and the semi-annual dividends, upon the State stock, shall, at any time, prove to be insufficient to pay the interest on said bonds, it shall be the duty of the President and Directors to make good said deficiency out of the profits which shall have accrued upon the stock, held by individual and corporation stockholders, for the preceeding half year, before they shall declare a dividend among them: and the said Bank shall have no claim upon the State for such excess of interest, over and above the State's semi-annual dividend, but shall, during the continuance of the charter, guaranty the payment of the interest on the State bonds aforesaid.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Morgan, J. S.
Beatty,	Hanson,	Murrell,
Clarke,	Huston,	Rice,
Davidson,	Johnston,	Wallace,
De Courcy,	May,	Young, S.—16.
Ford,		

Those who voted in the negative were—

Messrs Barlow,	Morgan, D.	Watkins,
Bradshaw,	Nuttall,	Weller,
Burnett,	Pitts,	Wickliffe,
Dixon,	Schooling,	Willis,
James,	Tomlinson,	Wingate,
Jasper,	Walker, C. J.	Young, A.—20.
Jesup,	Walker, J. V.	

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Burnett,	Johnston,	Wallace,
Dixon,	Morgan, D.	Watkins,
Guthrie,	Murrell,	Weller,
Hanson,	Nuttall,	Wickliffe,
James,	Pitts,	Young, A.
Jasper,	Walker, J. V.	Young, S.—18.

Those who voted in the negative were—

Messrs. Ballinger,	De Courcy,	Rice,
Barlow,	Ford,	Schooling,
Beatty,	Huston,	Tomlinson,
Bradshaw,	Jesup,	Walker, C. J.
Clarke,	May,	Willis,
Davidson,	Morgan, J. S.	Wingate—18.

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

FRIDAY, FEBRUARY 15, 1839.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

1. An act to reduce the salaries of certain officers in this Commonwealth.
2. An act to regulate the 9th and 12th Judicial Districts.
3. An act granting a change of venue in the prosecution against James Lynn, Jr.
4. An act to authorize the County Court of Woodford to convey to trustees a portion of the public square in the town of Versailles.
5. An act for the divorce of Samuel Smedley.
6. An act for the divorce of Polly Hurt.
7. An act for the benefit of the Sheriff of Floyd county.
8. An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.
9. An act for the benefit of the Clerks of this Commonwealth.
10. An act for the benefit of Sandy H. Aldridge.
11. An act for the benefit of the orphans of Louisville.
12. An act allowing one additional Justice of the Peace to the county of Mercer.
13. An act for the benefit of the heirs of Reuben Sullinger, deceased.
14. An act to amend an act, entitled, an act to incorporate the Russellville and Clarksville Turnpike Road Company.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 14th were referred to the committee of Internal Improvement; the 2d, 3d, 4th, 11th and 13th to the committee on the Judiciary; the 5th and 6th to the committee of Religion; the 7th, 8th and 10th to the committee of Finance; the 12th to the committee of Propositions and Grievances and the 9th was ordered to be read a third time.

The constitutional rule as to the third reading of the 9th bill being dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Schooling presented the petition of sundry citizens of Marion county, praying for an amendment of the act to incorporate a company to turnpike the road from Perryville to Greensburg by way of Lebanon and New Market—which was received and referred to the committee of Internal Improvement.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Bradshaw—1. A bill to allow Berryman H. Flowers to erect one gate across the road from Columbia to John Grider's ferry, on Cumberland river.

On the motion of Mr. Schooling—2. A bill to reduce the several acts into an act the better to regulate the trustees in the town of Lebanon, in Marion county.

On the motion of Mr. Wickliffe—3. A bill to exempt practising Attorneys from compulsory process in certain cases.

The committee of Propositions and Grievances was directed to prepare and bring in the 1st and 2d, and Messrs. Wickliffe, Johnson and Huston were appointed a committee to prepare and bring in the 3d.

Mr. Beatty, from the committee on Education, to whom was referred the report in relation to an Agricultural School for the State of Kentucky, reported the same without amendment.

The blank in the first resolution was filled with the name of John Lewis, and the blank in the second resolution was filled with the sum of two hundred dollars, and the said report was concurred in.

Mr. Beatty, from the same committee, to whom was referred the report of the committee on Education in relation to educating poor young men for teachers of common schools, reported the same without amendment.

The said report was concurred in.

Mr. Beatty, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Newton Society of Bacon College, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Willis presented the remonstrance of sundry citizens of Oldham county against incorporating a company to turnpike the road from Louisville to the mouth of Harrod's creek, which was received and referred to the committee of Internal Improvement.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

The said bills being signed by the Speaker of the House of Representa-

tives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petitions of sundry citizens, praying that the salary of Walker Reid may be the same as received by other Circuit Judges, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred without amendment, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act for the benefit of William Gilpin and Francis Gilpin.

An act concerning the towns of Warsaw and Monticello.

An act requiring a special County Court to be held in Shelby county for the purpose of swearing in deputy Sheriffs.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act for the benefit of John Myers.

An act to reduce into one the several attachment laws, and for settling proceedings on attachments against absconding debtors.

By Mr. Huston, from the committee of Privileges and Elections—An act to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

An act to establish an election precinct in Christian county.

An act to abolish an election precinct at Peter Miller's on Knob creek, in Bullitt county.

By Mr. Ballinger, from the committee of Internal Improvement—An act to incorporate the Hickman Turnpike Road Company.

By Mr. Wingate, from the committee of Religion—An act for the divorce of Rebecca Hutchinson.

By Mr. Jesup, from the committee on Military Affairs—An act for the benefit of Dawson Elliott, of Madison county.

An act for the benefit of John Steele.

An act for the benefit of James W. Finnie.

An act for the benefit of George W. Williams.

An act for the benefit of Fountain Cunningham.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Edward Hord, deceased, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Guthrie, from the same committee, to whom was referred a bill to establish the Real Estate Bank of Kentucky, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, reported the same with the opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Guthrie, from the same committee, to whom was referred the petition of Milton Young and Maria, his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Guthrie, from the same committee, made the following report, viz:

The committee on the Judiciary, to whom was referred certain resolutions directing the committee on Internal Improvement and Domestic Manufactures to inquire:—

1st. Whether the board of directors of the Richmond and Lexington Turnpike Company have drawn from the Treasury of the State the sum of three thousand nine hundred and ten dollars, under a contract or contracts with the council of the city of Lexington, that said council should allow the said board of directors to perform work on main street, Lexington, at the expense of the city, and that the board would grant to the city of Lexington scrip to the full amount expended on main street, aforesaid, as stock in the company:

2nd. To inquire whether the expenditure aforesaid was either necessary or useful to the county or city:

3rd. Whether the citizens of Lexington, or the individual members of the company, were consulted or knew of such bargaining, until after the amended charter was procured and the money expended:

4th. To inquire into the propriety of repealing the amendatory act, es-

pecially so much as authorizes said company to construct a road in main street, and to hold jurisdiction thereby, and to erect a toll gate within less than one mile of the city limits:

5th. To inquire whether the board of directors aforesaid ever submitted the said amendatory act to the individual stockholders for ratification, before they expended the moneys of the State, and of individuals, in the construction of the road, and set up three turnpike gates between the city of Lexington and the Kentucky river:

6th. To inquire whether said company ever, at any time, took the sense or vote of the individual stockholders accepting said amended charter; and if they did, when and where was such vote taken—how many of the stockholders were present, and who of those present voted for accepting of the amended charter; and whether or not any notice was given by those taking the vote that the amended charter would be submitted for confirmation:

7th. To inquire whether said company cannot, at convenient distances, from the terminns of the charter, obtain sites, by donation, or by paying a fair price for the land, for the toll houses: Have had the same under consideration.

They find that the charter of said company passed on the 4th of February, 1834; and by the 1st section, the company was authorized to construct a road from Richmond to Lexington, and by the 2nd and 5th sections, the capital stock of the company was \$100,000, to be increased by the president and directors, from time to time, to such a sum ~~as would be~~ sufficient to construct said road.

They find the company was organized on the 12th of June, 1835, by the election of the first board of president and managers; and on the 15th of December, 1835, the stock was enlarged by the president and managers, by an order on their records, fifty thousand dollars, and they appointed a committee to attend the Legislature to procure amendments to the charter. They find on the 1st of February, 1838, the supplemental act amending the charter was passed, by the 1st section of which, the company was authorized to grade the road to thirty feet, and to place the stone road on one side of the graded road; and by the 2nd and 3rd sections, they were authorized to build a bridge across the Kentucky river, and for that purpose to increase the capital stock; and by the 4th section, the amendments were to be a part of the charter, when accepted by the company; and by the 5th and 6th sections, the Madison county court were authorized to subscribe stock, and the company were authorized to commence the road within one quarter of a mile of the court house in Lexington, and extend the same to the public square in the town of Richmond, if the city of Lexington and town of Richmond consented thereto; and by the 7th section, it is made lawful for the company to set up toll gates at any distance not less than one mile from each terminus of the road.

They find there was no formal acceptance of the supplemental act, until the 16th of June, 1838, when the supplemental act was accepted by an order of the president and managers on their records; but they find there was a parol agreement between the city of Lexington and the company, by which they were to extend their road to within one quarter of a mile of the court house, in the city of Lexington; and the road was, before the first of June, 1838, constructed by the company, accordingly; and they availed them-

selves of the provisions of the supplemental act, in relation to the grade of the road.

They also find that on the 2nd June, 1836, it was resolved by the city council of Lexington, that the president of the council should subscribe seventeen additional shares in the Richmond and Lexington turnpike, and make the subscription of the city of Lexington \$5,000, on condition the county court of Fayette would subscribe \$5,000 of stock in said company, and all to be applied to the construction of the road in Fayette county; and that the county and city subscribed the stock, and the latter paid for her stock in city scrip, bearing interest and payable in five years; and that subscriptions were procured by the company from the Board of Internal Improvement, on account of these subscriptions by the county of Fayette and the city of Lexington, and payments were procured from the Board of Internal Improvements on account of the payments made by the city of Lexington in her scrip, as aforesaid; and that the scrip of the city of Lexington was paid out as money to the contractors who made the road.

The committee do not find that the president and directors of the Richmond and Lexington Turnpike Company have drawn from the Treasury of the State the sum of three thousand nine hundred and ten dollars, under a contract or contracts with the council of the city of Lexington, that the council should allow the said board of directors to perform the work on main street, at the expense of the city; that the board would grant to the city of Lexington scrip for stock to the full amount expended on main street. The city of Lexington subscribed five thousand dollars in stock, and paid for the same as before stated.

In response to the second inquiry, they state, that the Richmond and Lexington Turnpike Company, by commencing at the public square in Richmond, and extending the road to within one quarter of a mile of the court house in Lexington, will have full twenty five miles of road, and be entitled to set up five toll gates, which they would not be entitled to do without such extension, and that the extension is highly advantageous to the company, in as much as it enables them to make the whole road profitable, which they could not otherwise do, as their charter only authorizes gates for every five miles. They found that main street in Lexington required to be improved to connect the road with the pavement, and that the expenditure was both useful to the county and city.

In response to the 3rd inquiry, as the committee have not found any such bargain as was supposed to exist, they have deemed it useless to inquire as to whether the citizens of Lexington, or the individual members of the company, knew of it or not.

In response to the 4th inquiry, the committee are of opinion it would be improper to repeal the amendatory act, inasmuch as the Commonwealth is owner of one half the stock, and the amendatory act is beneficial to the company, and acceptable to the citizens, with but one exception, to their knowledge. They think the right of the company to extend the road in main street of Lexington, is not incompatible with the rights of the corporation of Lexington, nor will the privilege of erecting a toll gate within one mile of the terminus of the road injuriously effect private rights.

In response to the 5th and 6th inquiries, the committee find that the amendatory act was never submitted to the individual stockholders for their

ratification. The amendatory act was beneficial to the company, and was accepted and acted under by the president and managers for the stockholders, and they are estopped by their acceptance and their acts.

In response to the 7th inquiry, the committee find that the first gate from Lexington on the Richmond and Lexington Turnpike is about one mile and one eighth of a mile from the limits of the city of Lexington, and that the company have not availed themselves of the privilege of erecting their gate within one mile of the terminus of the road within the city of Lexington; and that they are not able to procure the land, on either side, by donation or purchase, at a fair price. They find that the gate, on the Richmond and Lexington road, is farther from the limits of Lexington, than the gate on any other turnpike leading into Lexington, and that most of the other turnpikes extend within the limits of Lexington. They have not been able to ascertain the facts at those other places where toll gates are erected on said road. They ask to be discharged from the further consideration of the resolution.

The said committee was discharged.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to allow additional Justices of the Peace and Constables to several counties.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the further consideration of a resolution instructing them to inquire into the expediency of erecting an Arsenal for the safe keeping of the public arms.

The following bills were reported, viz:

By Mr. Guthrie, from the committee on the Judiciary—1. A bill for the benefit of Otho Wilson.

By Mr. Hanson, from the committee of Finance—2. A bill for the benefit of Austin T. Tyler, Sheriff of Hickman county.

3. A bill authorizing the Clarke County Court to appoint a Treasurer.

By Mr. Jesup, from the committee on Military Affairs—4. A bill for the relief of the securities of Wesley M. Garnett, de'd. and Henderson Murphy.

5. A bill for the benefit of John Boggess and his securities.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second readings of the said bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 2d and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to authorize the South western Railroad Bank to establish a branch in this State, and for other purposes, and had gone through the same, and made sundry amendments thereto, which he handed in at the Clerk's table.

A part of the sixth section of the said bill is as follows, viz:

Sec. 6. The directors of the Bank shall be resident citizens of *the State*, and stockholders of the Bank, and *at the first meeting after their election*, they shall appoint one of their number to be President of the said Bank; they shall appoint all the officers of the Bank, and President and Directors, and Cashiers of its branches, &c.

One of the said amendments proposes to amend that part of the said section to read as follows, viz:

Sec. 6. The directors of the Bank shall be resident citizens of the *United States*, and Stockholders of the Bank; and they shall appoint one of their number to be President of said Bank, &c.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Dixon, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Pratt,	Wickliffe,
De Courcy,	Tomlinson,	Young, A.
Hanson,	Walker, C. J.	Young, S.—19.
James,		

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Rice,
Beatty,	Jasper,	Schooling,
Burnett,	Jesup,	Watkins,
Dixon,	Johnston,	Willis,
Ford,	Murrell,	Wingate—17.
Guthrie,	Pitts,	

The thirteenth section of the said bill is as follows, viz:

SEC. 13. Each branch of the said Bank shall be an office of discount and deposit; it shall have a Board to consist of a President and not less than six Directors, with a Cashier, and such other officers as the business of the branch may require. The Board shall conform to all orders it may receive from the President and Directors of the Bank, and shall possess such powers as the said *President* may confer on them, consistently with this charter.

One of the said amendments proposes to amend the said section by inserting after the word "*President*," printed in italics, the words "and Directors."

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Watkins and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Walker, C. J.
Beatty,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Burnett,	Morgan, J. S.	Weller,
Clarke,	Murrell,	Wickliffe,
Davidson,	Pitts,	Young, A.
De Courcy,	Pratt,	Young, S.—23.
Ford,	Tomlinson,	

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Schooling,
Dixon,	Jesup,	Watkins,
Guthrie,	Johnston,	Willis,
Huston,	Rice,	Wingate—13.
James,		

The twenty fifth section of the said bill is as follows, viz:

SEC. 25. The capital [of said Bank, and all the funds thereof, the shares of the stockholders therein, and the dividends thereon, shall be free and exempt from taxation of every kind, in each of the States granting the charter, until the said railroad shall be finished, and the stockholders in the company shall have divided an interest of six per centum per annum for each year upon their investment; after which the State of Kentucky shall have a right to lay a tax, equal to the tax laid on the capital stock of other banking institutions in the said State, upon so much of the capital of the Bank as is employed by the branch in the aforesaid State:] Provided, that the real estate of the said Bank, and its goods pledged for money lent, and its goods the produce of its lands, may be taxed at the same rate as similar real estate and goods are taxed in this State.

One of the said amendments proposes to strike out from the word "capi-

tal," in the first line, to the word "provided," included in brackets, and to insert in lieu thereof the following, viz :

"Stock of said Bank employed in any branch, *and an agency or agencies* in this State, shall not be less than one hundred thousand dollars, nor more than one million of dollars; on which the said Bank shall pay the same tax or bonus as is required on the Bank stock of the Bank of Kentucky, or the Northern Bank of Kentucky, to-wit: an annual tax not exceeding fifty cents on each hundred dollars so employed, to be set apart and paid in the same manner and amount, and at the same time as the said Bank of Kentucky and Northern Bank of Kentucky are and shall be required to do by law."

Mr. Guthrie moved to amend the said amendment by striking out the words "*and an agency or agencies*," printed in italics.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Guthrie and Watkins, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Rice,
Barlow,	Huston,	Schooling,
Beatty,	James,	Walker, C. J.
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Wallace,
Clarke,	Johnston,	Watkins,
Davidson,	May,	Weller,
De Courcy,	Morgan, J. S.	Willis,
Dixon,	Murrell,	Wingate,
Ford,	Pitts,	Young, A.
Guthrie,	Pratt,	Young, S.—33.

Those who voted in the negative were—

Messrs. Morgan, D.	Tomlinsen,	Wickliffe—3.
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The said amendment, as amended, was concurred in.

One of the amendments reported from the committee was disagreed to, and the others were concured in.

The 29th section of the said bill is as follows, viz :

SEC. 29. The said Bank shall establish a branch in this State for the transaction of its business, pursuant to the provisions hereinbefore contained.

Mr. Willis moved to amend the said section by adding thereto the following, proviso, viz :

Provided, that neither the principal Bank, nor the branch which may be located in this State, shall establish any agency in this Commonwealth, at a greater distance than twenty miles from the line of said railroad, to be located in this State, without the consent of the Legislature first had and obtained.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Weller and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Pitts,
Beatty,	Jasper,	Rice,
Burnett,	Jesup,	Watkins,
Davidson,	Johnston,	Weller,
Dixon,	May,	Willis,
Ford,	Murrell,	Wingate—19.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Pratt,	Wickliffe,
De Courcy,	Schooling,	Young, A.
Hanson,	Tomlinson,	Young, S.—17.
James,	Walker, C. J.	

Mr. Guthrie moved an amendment to the said bill.

At half past six c'clock Mr. Willis moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and D. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Pratt,
Beatty,	Jasper,	Rice,
Burnett,	Jesup,	Tomlinson,
Davidson,	Johnston,	Watkins,
Dixon,	Murrell,	Weller,
Ford,	Pitts,	Willis—19.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Wickliffe,
De Courcy,	Schooling,	Young, A.
Hanson,	Walker, C. J.	Young, S.—15.

And then the Senate adjourned.

SATURDAY, FEBRUARY 16, 1839.

A message was received from the House of Representatives, announcing that they had concurred in the amendments of the Senate to bills from that House of the following titles, viz:

An act to establish the Southern Bank of Kentucky.

An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin and Thomas J. Gough, Justices of the Peace.

An act to incorporate the town of Wyoming, in the county of Bath.

That they had passed bills from the Senate of the following titles, viz:

An act to regulate the mode of appointing trustees to the Cumberland Hospital.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to regulate the town of Clay Village.

An act to incorporate the Transylvania Institute, and for ther purposes, with amendments to the last.

And that they had passed bills of the following titles, viz:

An act to provide for the internal improvement of the State.

An act to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland.

An act to allow an additional Constable to the county of Monroe.

On the motion of Mr. James, a message was sent to the House of Representatives requesting leave to withdraw the report from the Senate of the passage of a bill from that house, entitled, an act for the benefit of the Clerks of this Commonwealth. After a short time the said bill was returned to the Senate.

On the motion of Mr. Willis, the vote by which the said bill was passed, was reconsidered, and it was referred to the committee of Finance.

On the motion of Mr. Wingate, leave was given to the committee of Religion to sit during the sessions of the Senate.

The Speaker laid before the Senate the following resignation of the Door Keeper of the Senate.

FRANKFORT, FEBRUARY 16, 1839.

I do hereby resign the office of Door Keeper of the Senate, and beg the Senate to accept of my thanks for the kindness they have shown me.

J. J. VEST.

The Senate proceeded to the election of Door Keeper, during the residue of the present session.

Mr. Watkins nominated Mr. John Mayhall.

Mr. Hanson nominated Mr. Jacob H. Holeman.

Mr. Wingate nominated Mr. Morgan B. Chinn.

The first vote stood thus—

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Davidson,	Walker, J. V.
Beatty,	Huston,	Watkins,
Bradshaw,	Walker, C. J.	Wickliffe—9.

Those who voted for Mr. J. H. Holeman were—

Messrs. Clarke,	Jesup,	Murrell,
Dixon,	Johnston,	Tomlinson,
Hanson,	Morgan, D.	Young, S.—11.
James,	Morgan, J. S.	

Those who voted for Mr. Morgan B. Chinn were—

Messrs. Barlow,	May,	Wallace,
Burnett,	Pitts,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—16.
Jasper,		

No one having received a majority of all the votes given.

The second vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Huston,	Walker, J. V.
Beatty,	Pitts,	Watkins,
Bradshaw,	Walker, C. J.	Wickliffe—10.
Davidson,		

Those who voted for Mr. Holeman were—

Messrs. Clarke,	Jesup,	Murrell,
Dixon,	Johnston,	Tomlinson,
Hanson,	Morgan, D.	Young, S.—11.
James,	Morgan, J. S.	

Those who voted for Mr. Chinn were—

Messrs. Barlow,	Jasper,	Wallace,
Burnett,	May,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—15.

No one having received a majority of all the votes given.

The third vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Davidson,	Walker, J. V.
Beatty,	Huston,	Watkins,
Bradshaw,	Walker, C. J.	Wickliffe—9.

Those who voted for Mr. Holeman were—

Messrs. Clarke,	Johnston,	Pitts,
Dixon,	Morgan, D.	Tomlinson,
Hanson,	Morgan, J. S.	Young, S.—11.
Jesup,	Murrell,	

Those who voted for Mr. Chinn were—

Messrs Barlow,	Jasper,	Wallace,
Burnett,	May,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—16.
James,		

No one having received a majority of all the votes given.

The fourth vote stood thus:

Those who voted for Mr. Mayhall were—

Messrs. Ballinger,	Davidson,	Walker, J. V.
Beatty,	Huston,	Watkins,
Bradshaw,	Walker, C. J.	Wickliffe—9.

Those who voted for Mr. Holeman were—

Messrs. Clarke,	Jesup,	Murrell,
Dixon,	Johnston,	Tomlinson,
Hanson,	Morgan, D.	Young, S.—11.
James,	Morgan, J. S.	

Those who voted for Mr. Chinn were—

Messrs. Barlow,	May,	Wallace,
Burnett,	Pitts,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—16.
Jasper,		

No one having received a majority of all the votes given.

The fifth vote stood thus—

Those who voted for Mr. Mayhall were—

Messrs. Beatty,	Huston,	Walker, C. J.—4.
Davidson,		

Those who voted for Mr. Holeman were—

Messrs. Bradshaw,	Jesup,	Tomlinson,
Clarke,	Johnston,	Watkins,
Dixon,	Morgan, D.	Wickliffe,
Hanson,	Morgan, J. S.	Young, S.—14.
James,	Murrell,	

Those who voted for Mr. Chinn were—

Messrs. Ballinger,	Jasper,	Walker, C. J.
Barlow,	May,	Wallace,
Burnett,	Pitts,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—18.

No one having received a majority of all the votes given.

The nomination of Mr. Mayhall was then withdrawn.

The sixth vote stood thus—

Those who voted for Mr. Holeman were—

Messrs. Ballinger,	Huston,	Murrell,
Beatty,	James,	Tomlinson,
Bradshaw,	Jesup,	Walker, C. J.
Clarke,	Johnston,	Watkins,
Davidson,	Morgan, D.	Wickliffe,
Dixon,	Morgan, J. S.	Young, S.—19.
Hanson,		

Those who voted for Mr. Chinn were—

Messrs. Barlow,	May,	Wallace,
Burnett,	Pitts,	Weller,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Wingate,
Guthrie,	Schooling,	Young, A.—17.
Jasper,	Walker, J. V.	

Mr. Jacob H. Holeman having received a majority of all the votes given, was declared duly elected Door Keeper of the Senate for the residue of the present session.

Whereupon he took the several oaths prescribed by the Constitution of the United States, and the Constitution and laws of this State.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act to amend an act, entitled, an act to regulate the election of trustees of the town of Scottsville.

An act to continue in force an act for the benefit of the holders of head-right certificates.

An act to authorize the election of trustees of the town of Port Oliver, in the county of Allen.

An act to extend the August term of the Anderson Circuit Court.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to trustees a portion of the public square in the town of Versailles.

By Mr. Willis, from the committee of Propositions and Grievances—An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to allow an additional Justice of the Peace in Carroll county.

An act to change the name of Eloisa Rook to that of Eloisa Marshall

An act allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.

An act allowing one additional Justice of the Peace to the county of Mercer.

An act for the benefit of Robert G. Lewis.

By Mr. Hanson, from the committee of Finance—An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

An act for the benefit of the Sheriff of Floyd county.

An act for the benefit of Joseph McDowell.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to prevent the confliction of land claims, and to secure to seaters and improvers a preference of location to lands improved by them, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the

city of Covington, reported the same with an amendment, and the said bill was placed in the orders of the day.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the issuing of executions from the Court of Appeals, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Guthrie presented the petition of Benjamin R. Pollard, Clerk of the City Court of Louisville, praying for the passage of a law directing the Auditor to issue a warrant on the Treasury, in his favor, for his ex-officio services as Clerk of said court, which was received and referred to the committee of Finance.

On the motion of Mr. Guthrie, the vote rejecting the petitions praying that the salary of Walker Reid may be the same as received by other Circuit Judges, was reconsidered, and the said petitions were recommitted to the committee on the Judiciary.

Mr. Willis, from the committee of Propositions and Grievances, reported the following bills, viz:

A bill for the benefit of the Sheriff of Caldwell county.

A bill to authorize the running and re-marking the line between Green and Adair counties.

Which were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Willis, the committee of Propositions and Grievances was discharged from the duty of preparing and bringing in a bill to allow Berryman H. Flowers to erect one gate across the road from Columbia to John Grider's Ferry, on Cumberland river.

Mr. Hanson, from the committee of Finance, to whom was referred a bill to inforce a uniform valuation of taxable property, reported the same with amendments—which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and D. Morgan, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Rice,
Barlow,	Jesup,	Schooling,
Beatty,	Johnston,	Wallace,
Bradshaw,	May,	Watkins,
Burnett,	Morgan, D.	Wickliffe,
Clarke,	Morgan, J. S.	Willis,
Davidson,	Murrell,	Wingate,
De Courcy,	Pitts,	Young, A.
Guthrie,	Pratt,	Young, S.—27.

Those who voted in the negative were—

Messrs. Ford.	Jasper,	Walker, J. V.
Huston,	Tomlinson,	Weller—6.

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Beatty, the committee on Education was discharged from the further consideration of a bill from the House of Representatives, entitled, an act making an appropriation to Anderson county Seminary, and the said bill was referred to the committee of Finance.

Four messages, in writing, were received from the Governor by Mr. Bullock, Secretary of State.

On the motion of Mr. James, the rule of the Senate was dispensed with, and one of the said messages was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
February 16, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Wiley P. Fowler, to be Judge of the 16th Judicial District, in place of James Campbell, resigned.

JAS. CLARK.

The Senate went into secret session on the said nomination.

Resolved, That the Senate advise and consent to the said appointment.

The doors were then opened and the injunction of secrecy removed.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the town of Rumsey, and to amend the charter of the town of Caseyville, in Union county.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An act to amend the charter of the town of Paducah.

An act to regulate the mode of appointing trustees to the Cumberland Hospital.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to regulate the town of Clay Village.

And bills which originated in the House of Representatives of the following titles, viz:

An act for the benefit of Thomas Sweeney.

An act for the benefit of John G. Scroggin, surveyor of Bourbon county.

An act appointing trustees of the Lebanon Academy, in Todd county.

An act for the benefit of the Sheriff of Jefferson county.

An act for the divorce of Eliza H. Bush.

An act for the divorce of John M. Emerson, Jr.

An act for the benefit of the Sheriff of Montgomery county.

An act for the benefit of William Vice.

An act for the benefit of the heirs of John Carey, deceased.

An act to establish the town of Hillsborough, in Fleming county.

An act to establish the town of Brooksville, in Bracken county.

An act to increase the powers of the trustees of the town of Columbia.

An act to incorporate the town of Port Royal.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

An act for the benefit of the heirs of Harmon A. Stiger, deceased.

An act for the benefit of the representatives of Rodolphus B. Great-house, deceased.

An act to enlarge the powers of the trustees of Brandenburg.

An act in relation to certain election precincts in Lawrence and Hardin counties.

An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

An act to incorporate the trustees of the Republican School, in Bracken county.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

An act to increase the capital stock of the Falmouth Bridge Company, and for other purposes.

An act to increase the pay of patrollers, in Fayette, Henderson and Breckinridge counties.

An act to incorporate the towns of New Haven and Hodgenville.

An act for the benefit of the infant heirs of Samuel Pottinger, deceased.

An act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

An act to provide for running the line between Marion and Washington counties.

An act for the divorce of Maria K. Vance.

An act for the benefit of the Sheriff of Livingston county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

The Senate resumed the consideration of a bill to authorize the Southern Railroad Bank to establish a branch in this State, and for other purposes.

The amendment, moved by Mr. Guthrie on yesterday, was discussed for some time.

And then the Senate adjourned.

MONDAY, FEBRUARY 18, 1839,

A message was received from the House of Representatives, announcing that they had concurred in the amendments of the Senate to bills from that House of the following titles, viz:

An act to provide for the appointment of Attorneys for the Commonwealth.

An act to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county.

An act for the benefit of the heirs and representatives of Jos. Walker.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

An act changing the terms of the Fayette Circuit Court.

That they had passed bills from the Senate of the following titles, viz:

An act to repeal in part an act to change the bounds of the 7th division of Kentucky Militia, and for other purposes.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act for the relief of the Sheriff of Caldwell county.

An act increasing the powers of the trustees of Barbourville.

And that they had passed a bill, entitled, an act for the benefit of Stephen R. Chenowith, Jailer of Jefferson county, and Henry Payne, Jailer of Union county.

Mr. Murrell presented the petition of the trustees of Glasgow Academy, praying for the passage of a law authorizing them to receive and appropriate the fines and forfeitures of Barren county, assessed prior to the law providing that fines and forfeitures should be a fund for the payment of jurors, which was received and referred to the committee on Education.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of the memorial of sundry citizens of the town of Smithland, in relation to chartering the Southern Bank of Kentucky.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act authorizing a sale of the land and slaves descended to Mary McFeeters.

An act for the benefit of Annie H. Blair, and the widow and heirs of William C. Warfield.

An act concerning the estate of Daniel Riley, deceased—reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the same committee, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend an act to alter the mode of summoning petit Jurors, reported the same with amendments.

One of the said amendments reported from the committee, proposes to strike out of the amendments proposed by the House of Representatives, the following section, viz:

SEC. 5. That the grand jurors shall receive, for their services, the sum of one dollar per day for each day they shall serve, which shall be paid in the same manner they are paid under the existing laws.

The question being taken on striking out the said section, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. De Courcy and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Hanson,	Walker, C. J.
Bradshaw,	Huston,	Walker, J. V.
Burnett,	Jesup,	Wallace,
Clarke,	Johnston,	Wickliffe,
Davidson,	Pitts,	Young, S.
Ford,	Schooling,	Young, A.—19.
Guthrie,		

Those who voted in the negative were—

Messrs. Ballinger,	May,	Tomlinson,
Barlow,	Morgan, J. S.	Watkins,
De Courcy,	Murrell,	Weller,
Dixon,	Pratt,	Willis,
James,	Rice,	Wingate—16.
Jasper,		

The amendments reported from the committee were concurred in, and the amendments proposed by the House of Representatives were concurred in, as amended.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred, without amendment, viz:

By Mr. Willis, from the committee of Propositions and Grievances—An act to change the names of Elizabeth Harris' children.

By Mr. Wingate, from the committee of Religion—An act for the divorce of Rhoda Lytle.

An act to incorporate the trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act for the divorce of Sarah McGinnis.

By Mr. Hanson, from the committee of Finance—An act for the benefit of Sandy H. Aldridge.

An act for the benefit of the Clerks of this Commonwealth.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Willis, from the committee of Propositions and Grievances—1. A bill to amend the several laws in force for the town of Lebanon.

By Mr. Guthrie, from the committee on the Judiciary—2. A bill further defining the offence of burglary by a slave.

By Mr. Hanson, from the committee of Finance—3. A bill for the benefit of the Clerk of the City Court of Louisville.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading being dispensed with,
Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Willis moved to take up the resolution from the House of Representatives, fixing a day for the adjournment of the Legislature, which is as follows, viz :

“IN HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1839.—*Resolved by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on the 18th instant, they will adjourn without day.—Attest, THOS. J. HELM, C. H. R.”

The question being taken on taking up the said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Rice, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	Guthrie,	Rice,
Beatty,	Huston,	Schooling,
Burnett,	Jasper,	Watkins,
Dixon,	Jesup,	Willis,
Ford,	Johnston,	Wingate—15.

Those who voted in the negative were—

Messrs. Ballinger,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Murrell,	Wickliffe,
De Courcy,	Pitts,	Young, A.
Hanson,	Tomlinson,	Young, S.—20.
James,	Walker, C. J.	

Mr. Wingate moved to take up the resolution offered by him on the 23d ultimo, fixing a day for the adjournment of the General Assembly.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Barlow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Guthrie,	Rice,
Beatty,	Huston,	Schooling,
Bradshaw,	Jasper,	Watkins,
Burnett,	Jesup,	Willis,
Dixon,	Johnston,	Wingate—17.
Ford,	Murrell,	

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, D.	Walker, J. V.
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Pitts,	Weller,
De Courcy,	Pratt,	Wickliffe,
Hanson,	Roberts,	Young, A.
James,	Tomlinson,	Young, S.—20.
May,	Walker, C. J.	

The Senate resumed the consideration of a bill to authorize the South-western Railroad Bank to establish a branch in this State, and for other purposes.

The amendment offered thereto by Mr. Guthrie was further discussed. And then the Senate adjourned.

TUESDAY, FEBRUARY 19, 1839.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to authorize a survey of the road from Hartford to Russellville.

That they had passed bills which originated in the Senate of the following titles, viz:

An act for the benefit of Tabitha Hix.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of John M. Emerson and his securities.

An act for the benefit of the widow and heirs of Stephen Gilbert, deceased.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved February 17th, 1836.

An act to close up the old road over Muldrow's hill.

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act for the benefit of the late and present Sheriffs of Washington county.

An act to authorize the Scott County Court to impose an additional county levy.

An act for the benefit of Noah C. Summers, and others.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved February 23, 1837.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company; with amendments to the five last named bills.

That they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

2. An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

3. An act to legalize certain proceedings of the Morgan County Court.

4. An act further to regulate the establishing of ferries, and the granting of ferry privileges across the Ohio river, and for other purposes.

5. An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

6. An act respecting the fines and forfeitures in the Police Court of the city of Lexington.

7. An act for the benefit of the Sheriff of Gallatin county.

8. An act for the benefit of the Sheriff of Livingston county.

9. An act in relation to the Frankfort and Paris Fire Companies.

10. An act for the benefit of the mechanics of Brandenburg.

11. An act to incorporate the Covington Social Library.

12. An act for the benefit of B. H. Flowers, of Russell county, and Wm. Gates, of Monroe county.

13. An act allowing additional Justices of the Peace to several counties, and for other purposes.

14. An act for the benefit of the heirs and representatives of William Meredith, deceased.

15. An act to incorporate the Bowlinggreen Fire, Life and Marine Insurance Company.

16. An act for the benefit of M. J. W. Ambrose and wife.

17. An act to change the time of holding the Muhlenburg Circuit Court. The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 4th, 6th, 9th, 10th, 14th, 15th, 16th and 17th were referred to the committee on the Judiciary; the 5th to the committee of Internal Improvement; the 7th to the committee of Finance; the 11th to the committee on Education; the 13th to the committee of Propositions and Grievances, and the 8th and 12th were ordered to be read a third time.

The constitutional rule as to the third reading of the 8th bill being dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

1. Mr. Clarke presented the petition of Francis Merriman and William Miller, praying for the passage of a law authorizing an exchange of a tract of land belonging to the children of the said William for another tract.

2. Mr. Schooling presented the petition of the members of the Lebanon Lyceum, praying for an act of incorporation.

Which were received, and the first referred to the committee on the Judiciary, and the second to the committee on Education.

An engrossed bill, entitled, an act to amend the several laws in force for the town of Lebanon, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

My Beatty, from the committee on Education, reported a bill for the benefit of the trustees of the Glasgow Academy.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Education.

The Senate resumed the consideration of a bill to authorize the South-western Railroad Bank to establish a branch in this State, and for other purposes.

The thirty fourth section thereof is as follows, viz:

SEC. 34. *And be it further enacted*, That in case the said banking corporation should establish a branch in the State of Kentucky, the principal Bank in Charleston, and branches thereof in the several States, shall never charge and receive a higher premium than one half of one per cent. on the checks that may be drawn by one on another; and that whenever the said principal Bank, or any of its branches, shall draw any check on any other Bank in any of the States of Kentucky, Tennessee, North Carolina or South Carolina, or elsewhere, it shall not charge and receive a higher premium than one half of one per cent.: *provided, that the Bank on which such check shall be drawn, shall, by reciprocal agreement, draw on the said principal Bank, and its branches, at no higher premium*; and in case the said principal

Bank, or any of its branches, shall receive a higher premium than one half of one per cent. on any of its drafts, or checks, aforesaid, the whole premium paid thereon, with one hundred per cent. damages, and cost of suit may be recovered back, in an action for money had and received, against the principal Bank, or the branch, which may have received such illegal premium.

The amendment moved by Mr. Guthrie proposes to strike out of the said section the proviso printed in italics.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Huston, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Pitts,
Beatty,	James,	Rice,
Burnett,	Jasper,	Schooling,
Dixon,	Jesup,	Watkins,
Ford,	Johnston,	Willis,
Guthrie,	Murrell,	Wingate—18.

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Pratt,	Weller,
Davidson,	Roberts,	Wickliffe,
De Courcy,	Tomlinson,	Young, A.
Hanson,	Walker, C. J.	Young, S.—19.
May,		

Mr. Ballinger moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That the branch of said Bank, established in this State, shall be bound to receive the notes issued by the mother Bank, or any of its branches, whether payable at said branch or not, from individuals or from the Banks incorporated by this State, in discharge of any balance which may be due from any of them to said branch.

Mr. Guthrie moved to amend the said amendment by adding thereto the following, viz:

“That said Bank shall not pay out, through any branch she may establish in Kentucky, or otherwise, in this Commonwealth, the notes issued by the mother Bank, or either of the branches, in the States of North Carolina or Tennessee.”

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and Ballinger, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	Huston,	Schooling,
Beatty,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Watkins,
Dixon,	Johnston,	Willis,
Ford,	Murrell,	Wingate—17.
Guthrie,	Rice,	

Those who voted in the negative were—

Messrs. Ballinger,	May,	Walker, C. J.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Weller,
Davidson,	Pitts,	Wickliffe,
De Courcy,	Pratt,	Young, A.
Hanson,	Roberts,	Young, S.—20.
James,	Tomlinson,	

The amendment, moved by Mr. Ballinger, was adopted, and the bill was further amended.

Mr. Jesup moved to amend the said bill by adding thereto the following section, viz :

Be it further enacted, That there shall not be established, in this State, any branch or agency of the foregoing Bank, where there is now established any Bank in a town or city in this State.

Mr. J. S. Morgan moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Watkins and Jasper, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Ballinger,	May,	Walker, J. V.
Bradshaw,	Morgan, D.	Wallace,
Clarke,	Morgan, J. S.	Wickliffe,
Davidson,	Pratt,	Wingate,
De Courcy,	Roberts,	Young, A.
Hanson,	Tomlinson,	Young, S.—20.
James,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Rice,
Beatty,	Jasper,	Schooling,
Burnett,	Jesup,	Watkins,
Dixon,	Johnston,	Weller,
Ford,	Murrell,	Willis—17.
Guthrie,	Pitts,	

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Pratt,	Weller,
Davidson,	Roberts,	Wickliffe,
De Courcy,	Tomlinson,	Young, A.
Hanson,	Walker, C. J.	Young, S.—19.
May,		

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Pitts,
Beatty,	James,	Rice,
Burnett,	Jasper,	Schooling,
Dixon,	Jesup,	Watkins,
Ford,	Johnston,	Willis,
Guthrie,	Murrell,	Wingate—18.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Wickliffe, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, D.	Walker, J. V.
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Pratt,	Weller,
Davidson,	Roberts,	Wickliffe,
De Courcy,	Tomlinson,	Young, A.
Hanson,	Walker, C. J.	Young, S.—19.
May,		

Those who voted in the negative were—

Messrs. Barlow,	Huston,	Pitts,
Beatty,	James,	Rice,
Burnett,	Jasper,	Schooling,
Dixon,	Jesup,	Watkins,
Ford,	Johnston,	Willis,
Guthrie,	Murrell,	Wingate—18.

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Watkins,

Resolved by the Senate of Kentucky, That the Governor be requested to cause a salute of thirteen guns to be fired on the morning of the 22d February, in commemoration of the birth of the father of his country, George Washington.

Bills from the House of Representatives of the following titles, were severally read the third time, viz:

An act for the benefit of Thomas Croper, James Southard and William Sugg.

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace.

An act to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers, a preference of location to lands improved by them.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the infant heirs of Edward Hord, deceased, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles were read the first time and ordered to be read a second time, viz:

1. An act to provide for the internal improvement of the State.

2. An act to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland.

3. An act to allow an additional Constable to the county of Monroe.

4. An act for the benefit of Stephen R. Chenowith, jailer of Jefferson county, and Henry Payne, jailer of Union county.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 2d were referred to the committee of Internal Improvement; the 4th to the committee of Finance, and the 3d was ordered to be read a third time.

The constitutional rule as to the third reading of the third bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. De Courcy, from the committee appointed for that purpose, reported a bill to amend an act, entitled, an act offering a further reward for the discovery of the cause of the disease called the milk sickness.

Which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to repeal in part an act to change the bounds of the 7th division of Kentucky Militia, and for other purposes.

An act increasing the powers of the trustees of Barboursville.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

An act for the relief of the Sheriff of Caldwell county.

An act for the benefit of John M. Emerson and his securities.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of the widow and heirs of Stephen Gilbert, deceased.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

An act to close up the old road over Muldrow's Hill.

An act for the benefit of Tabitha Hix.

An act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

And that they had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act for the benefit of John Myers.

An act to incorporate the Hickman Turnpike Road Company.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act for the benefit of William Gilpin and Frances Gilpin.

An act to incorporate the Newton Society of Bacon College.

An act to reduce into one the several attachment laws, and for settling proceedings on attachments against absconding debtors.

An act concerning the towns of Warsaw and Monticello.

An act for the benefit of James W. Finnie.

An act for the benefit of George W. Williams.

An act requiring a special County Court to be held in Shelby county for the purpose of swearing in deputy Sheriffs.

An act for the benefit of John Steele.

An act to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

An act for the benefit of Fountain Cunningham.

An act to establish an election precinct in Christian county.

An act to abolish an election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the divorce of Rebecca Hutchinson.

An act for the benefit of Dawson Elliott, of Madison county.

An act to incorporate the town of Wyoming, in the county of Bath.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act for the benefit of Enoch Yantis.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act to establish the Southern Bank of Kentucky.

An act authorizing the sale of real estate of Hiram Spurlocks, deceased, and for other purposes.

An act for the benefit of the Clerks of this Commonwealth.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to the amendments proposed by that House to a bill from the Senate, entitled, an act to amend an act to alter the mode of summoning petit jurors, and for other purposes, and that they had appointed a committee of conference thereon on their part.

The Senate insisted on their said amendments, and Messrs. Hanson and Guthrie were appointed a committee of conference on the part of the Senate.

On the motion of Mr. Wingate, a resolution from the House of Representatives, fixing a day for the adjournment of the Legislature, was taken up and amended by striking out 18th and inserting 23d instant, as the day of the adjournment, and concurred in.

Engrossed bills of the following titles, were severally read the third time viz:

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

An act for the benefit of John Boggess and his securities.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act further defining the offence of burglary by a slave.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were severally twice read and concurred in, viz :

An act for the benefit of the late and present Sheriffs of Washington county.

An act to incorporate the Transylvania Institute, and for ther purposes.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to authorize the Scott County Court to impose an additional county levy.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23, 1837.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 20, 1839.

A message was received from the House of Representatives announcing that they had passed a bill from the Senate, entitled, an act to amend the several laws in force for the town of Lebanon.

And that they had passed bills of the following titles, viz:

1. An act providing for the purchase of certain books for the use of the State.

2. An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

3. An act for the benefit of Recter Gore and others.

4. An act for the divorce of Richard Lucas.

5. An act for the divorce of Polly T. Ellison.

6. An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee on the Library; the 2d to the committee of Finance; the 3d to the committee on Military Affairs; the 4th and 5th to the committee of Religion, and the 6th to the committee of Internal Improvement.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of Noah C. Summers, and others, were twice read and concurred in.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the petition of Daniel Allnutt; the petition of Willis W. Harbourt, and the petition of M. A. Stemmons, reported the same with the following resolution thereon, viz:

Resolved, That the said petitions be rejected—which was concurred in.

Mr. Guthrie, from the same committee, to whom was referred the petitions of sundry citizens, praying that the salary of Walker Reid may be the same as received by other Circuit Judges, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Mr. Beatty moved to recommit the said petitions to the same committee, with instructions to report a bill pursuant to the prayer thereof.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	May,	Wallace,
De Courcy,	Pratt,	Willis,
Ford,	Rice,	Young, S.—11.
Jesup,	Schooling,	

Those who voted in the negative were—

Messrs. Ballinger,	Guthrie,	Roberts,
Barlow,	Hanson,	Walker, C. J.
Bradshaw,	Huston,	Walker, J. V.
Burnett,	Jasper,	Watkins,
Clarke,	Johnston,	Wickliffe,
Davidson,	Morgan, J. S.	Wingate—20.
Dixon,	Murrell,	

The resolution from the committee was concurred in.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to establish the office of Comptroller of the Treasury, and for other purposes, reported the same with the opinion of the committee that the 1st, 2d and 4th be concurred in, and that the 3d and 5th be disagreed to.

The 1st, 2d and 4th amendments were concurred in, and the 3d was disagreed to.

The fifth amendment proposes to add to the bill the following section, viz:

"That the second Auditor shall do and perform all the duties herein required of him in the settlement of accounts, and when such accounts have been audited and settled by him, he shall draw warrants accordingly; and when balances are due the Treasury, shall certify the same to the Treasurer, as now directed by law, and shall, thereupon, present said settlements and warrants, or certificates, to the Auditor, who shall, thereupon, endorse the warrants and certificates so drawn; and no warrant upon the Public Treasury, drawn by the second Auditor, shall be regarded as authentic, until it shall have been so endorsed by the Auditor; and the Auditor shall have the control of said department, and in case of a difference of opinion, touching the legal duties of the Auditor and second Auditor, the opinion of the Auditor shall prevail, subject, however, to the opinion of the Attorney General."

The question being taken on disagreeing to the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Pitts,
Barlow,	Huston,	Roberts,
Beatty,	Jasper,	Walker, C. J.
Bradshaw,	Johnston,	Watkins,
Clarke,	Morgan, D.	Weller,
Davidson,	Morgan, J. S.	Wingate,
Ford,	Murrell,	Young, S.—22.
Guthrie,		

Those who voted in the negative were—

Messrs. Burnett,	Pratt,	Wallace,
De Courcy,	Rice,	Wickliffe,
Dixon,	Schooling,	Willis—11.
May,	Walker, J. V.	

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred, without amendment, viz:

By Mr. Guthrie, from the committee on the Judiciary—An act for the benefit of the heirs of Ruben Sullinger, deceased.

By Mr. Willis, from the committee of Propositions and Grievances—An act allowing additional Justices of the Peace to several counties, and for other purposes.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying concealed, deadly weapons, not necessary for self-defence, or that of the State, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

On the motion of Mr. Dixon, leave of absence, from the service of the Senate, was granted to him for the residue of the present session.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Muhlenburg Circuit Court, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Willis, from the committee of Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to add a part of Pulaski to Russell county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be as aforesaid.

The following bills were reported, viz :

By Mr. Guthrie, from the committee on the Judiciary—A bill for the benefit of William N. Taul's representatives.

A bill to provide for writing out certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

By Mr. Willis, from the committee of Propositions and Grievances—A bill to incorporate the town of Locust Port, in Union county.

By Mr. Wickliffe, from a select committee—A bill for the appropriation of the fines in the city of Lexington, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Willis, from the committee of Propositions and Grievances, reported a bill to repeal the law creating the office of Superintendent of Public Instruction—which was read the first time as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That all laws which authorize a salary to the Superintendent of Public Instruction be, and the same are hereby repealed.

Ordered, That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with,
Mr. Wickliffe moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	May,	Walker, C. J.
Clarke,	Morgan, J. S.	Wallace,
Davidson,	Pratt,	Watkins,
De Courcy,	Rice,	Weller,
Ford,	Schooling,	Wickliffe—15.

Those who voted in the negative were—

Messrs. Ballinger,	Jasper,	Tomlinson,
Barlow,	Jesup,	Walker, J. V.
Bradshaw,	Johnston,	Wil'is,
Burnett,	Murrell,	Wingate—14.
James,	Pitts,	

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the divorce of Samuel Smedley.

An act for the divorce of Washington Sherer

An act for the divorce of Mary Ann Summers.

An act for the divorce of James Helton.

An act for the divorce of Margaret M. Pulliam.

An act for the divorce of Joseph Shropshire, reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so they were disagreed to.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Nancy T. Sanders, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

Mr. Ballinger, from the committee of Internal Improvement, who were instructed to inquire into the conduct of James R. Skiles, a member of the

Board of Internal Improvement, made a report, and the subject was postponed until Friday next.

A message was received from the House of Representatives, announcing that they had concurred in the amendments of the Senate to bills from that House of the following titles, viz:

An act for the benefit of the infant heirs of Edward Hord, deceased.

An act to add a part of Pulaski to Russell county.

An act to change the time of holding the Muhlenburg Circuit Court.

That they had passed a bill, entitled, an act to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund, in Wayne county.

And that they had receded from the third, and insisted on the fifth amendment proposed by them to a bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes, and had appointed a committee of conference thereon, on their part.

Whereupon, Messrs. Hanson and Guthrie were appointed a committee of conference on the part of the Senate.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act to provide for the appointment of Attorneys for the Commonwealth.

An act to allow additional Justices of the Peace and Constables to several counties.

An act for the benefit of the heirs and representatives of Jos. Walker.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

An act changing the terms of the Fayette Circuit Court.

An act to change the name of Eloisa Rook to that of Eloisa Marshall

An act to extend the August term of the Anderson Circuit Court.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to allow an additional Justice of the Peace in Carroll county.

An act to continue in force an act for the benefit of the holders of head-right certificates.

An act allowing one additional Justice of the Peace to the county of Mercer.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to trustees a portion of the public square in the town of Versailles.

An act to amend an act, entitled, an act to regulate the election of trustees of the town of Scottsville.

An act to authorize the election of trustees of the town of Port Oliver, in the county of Allen.

An act for the benefit of Joseph McDowell.

An act for the benefit of Robert G. Lewis.

An act allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.

An act for the benefit of the Sheriff of Floyd county.

An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

And that they had examined enrolled bills which originated in the Senate of the following titles, viz:

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved February 23, 1837.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act for the benefit of Noah C. Summers, and others.

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

An act to incorporate the Transylvania Institute, and for other purposes.

An act to regulate the administration and settlement of estates.

An act for the benefit of the late and present Sheriffs of Washington county.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. De Courcy—A bill for the benefit of the Sheriff of Campbell county.

On the motion of Mr. Schooling—A bill to repeal in part an act incorporating a company to make a turnpike road through Lebanon, Greensburg, Glasgow and Scottsville, to the State line, approved February 11, 1835.

The committee of Finance was directed to prepare and bring in the first, and Messrs. Schooling, Willis and Murrell were appointed a committee to prepare and bring in the second.

A message, in writing, was received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
February 20, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, John Morris, to be Sheriff of the county of Hardin, who was previously commissioned as such, but omitted, because of a misconstruction of the law, to take the oath and execute bonds of office, as required by law, at the January term of the County Court for said county.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointment.

A message, in writing, received from the Governor on the 16th instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
Frankfort, February 16th, 1839. }

Gentlemen of the Senate

and House of Representatives:

I herewith transmit to you a communication received from his Excellency the Governor of the State of Indiana, together with the joint resolutions of the General Assembly of that State, relative to the Southern States; also, a preamble and resolution of the House of Representatives, and a certified statement of the vote of both Houses on the passage of said joint resolution.

JAS. CLARK.

EXECUTIVE DEPARTMENT,
Indianapolis, February 6th, 1839. }

SIR:

In obedience to the direction of the General Assembly of of the State of Indiana, I have, herewith, the honor of transmitting to your Excellency, a copy of "a joint resolution relative to the Southern States," together with a preamble and resolution of the House of Representatives, and a certified statement of the vote of both Houses, on the passage of said joint resolution; which, I respectfully request, you will cause to be submitted to the Legislature of Kentucky.

With great respect, I remain

Your Excellency's ob't serv't,

DAVID WALLACE.

To His Excellency, JAMES CLARK,

Governor of Kentucky.

A Joint Resolution of the General Assembly of the State of Indiana, relative to the Southern States.

Resolved by the General Assembly of the State of Indiana, That any interference in the domestic institutions of the slaveholding States of the Union, (without their consent,) either by Congress or the State Legislatures,

is contrary to the compact by which those States became members of the Union.

Resolved, That any such interference is highly reprehensible, unpatriotic, and injurious to the peace and stability of the union of the States.

Resolved, That a copy of this resolution be forwarded to each of our Representatives and Senators in Congress.

Be it resolved by the General Assembly of the State of Indiana, That the Governor of this State be, and he is directed to cause to be communicated to the Executives of the several States of the Union, copies of the joint resolution relative to the Southern States, with a request that the same be, by them, communicated to their respective State Legislatures.

TH. J. EVANS,

Speaker of House of Rep.

DAVID HILLIS,

President of the Senate.

Approved, February 5th, 1839,

DAVID WALLACE.

LEGISLATIVE DEPARTMENT,
House of Representatives, Indiana, January 30, 1839. }

"Whereas a communication has been received by this House from his Excellency, David Wallace, Governor of Indiana, enclosing a communication from the Executive of Kentucky, requesting a copy as soon as adopted of certain resolutions relative to the Southern States, for the purpose of of submitting the same to the consideration of the Legislature of that State. Duly appreciating the friendly terms in which the communication referred to, is conceived; and desirous of cultivating the most friendly relations with our sister States, particularly Kentucky, endeared to so many of our citizens by the ties of kindred and nativity; and at the same time desirous on all occasions of affording evidence that Indiana disclaims *all right*, either directly or indirectly, to interfere with the domestic institutions of the several States, as secured to them by the articles of confederation, and believing as she does, that a different policy is calculated to weaken the bonds, if not dissolve the Union of the States. Therefore,

Resolved, by the House of Representatives, That the Clerk of this House be directed to furnish his Excellency, the Governor a certified copy of the vote of this House, adopting the joint resolution relative to the Southern States. And that the Governor is hereby requested to transmit the same, together with a copy of this resolution, to his Excellency, the Governor of Kentucky, in compliance with the request contained in the communication from the Executive of that State."

Adopted in the House of Representatives, January 30, 1839.

Attest,

J. T. ELLIOTT, *Clerk.*

HOUSE OF REPRESENTATIVES,
Indiana, December 31st, 1838. }

The joint resolution, entitled, "A joint resolution on the subject of the Southern States," came up, on its passage, and the vote thereon was,

Ayes,	-	-	-	-	-	-	-	87
Noes,	-	-	-	-	-	-	-	1

Witness,

J. T. ELLIOTT, C. H. R.

January 30, 1839.

SENATE CHAMBER,
Indiana, February 6, 1839, }

SIR: In compliance with your request to furnish the vote of the Senate on the joint resolution relative to the Southern States—
 It stood,

Ayes,	-	-	-	-	-	-	-	40
Noes,	-	-	-	-	-	-	-	1

Respectfully yours, &c.

CHARLES H. TEST,

Secretary of Senate.

To His Excellency, DAVID WALLACE.

The said message was laid on the table, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

A message, in writing, received from the Governor on the 16th instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, FRANKFORT,
February 16th, 1839. }

*Gentlemen of the Senate
 and House of Representatives:*

I have received from his Excellency, the Governor of North Carolina, a communication inclosing Joint Resolutions relating to the General Government adopted by the General Assembly of that State, requesting that they should be laid before the Legislature of Kentucky; the papers are herewith transmitted.

JAS. CLARK.

EXECUTIVE DEPARTMENT, N. C. }
Raleigh, January 14, 1839. }

SIR:

I have the honor to transmit, herewith, Resolutions relating to the General Government, and to request that they be laid before the Legislature of the State over which you preside.

I am, most respectfully,
your obedient serv't,

ED'WD B. DUDLEY.

HIS EXCELLENCY

THE GOVERNOR KENTUCKY, *Frankfort.*

RESOLUTIONS RELATING TO THE GENERAL GOVERNMENT.

WHEREAS we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend—and whereas we consider it our bounden duty, as the Representatives of the freemen of North Carolina, to express, in calm and dispassionate language, our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

1. *Resolved, therefore,* That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States, *expunging* the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility, calculated to degrade the character of the Senate.

2. *Resolved,* That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorizing it to be done.

3. *Resolved,* That this Generally Assembly do condemn the sub-Treasury system which this Administration is endeavoring to establish, as another item in that series of fatal experiments of this and the past Administration, which are the main source of that derangement in the Currency, and prostration of commercial credit, that have been so severely felt of late in every branch of industry; and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the *credit system*, by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

4. *Resolved,* That we consider the Public Lands of the United States as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the Public Lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase.

5. *Resolved,* That we believe that the proper and equitable disposition of the Public Domain, is to divide the proceeds arising from their sales among the several States of the Union, according to the ratio of their federal population.

6. *Resolved*, That we do most solemnly protest against the wasteful extravagance of the present Administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation in order to meet the exorbitant appropriations of the General Government, but which tends to the corruption of public morals and the degradation of the national character.

7. *Resolved*, That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent, and ought to be diminished.

8. *Resolved*, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing Resolutions.

9. *Resolved*, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

Read three times and ratified in General Assembly, }
this 28th day of December, A. D. 1838. }

WILL. A. GRAHAM, S. H. C.
A. JOYNER, S. S.

STATE OF NORTH CAROLINA, }
Secretary of State's Office. }

I, WILLIAM HILL, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of a preamble and resolutions passed by the General Assembly of this State at its late session.

Given under my hand, this 16th day of January, 1839.

WM. HILL.

The said message was laid on the table and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

A message, in writing, received from the Governor on the 16th instant, was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
February 16, 1839. }

Gentlemen of the Senate :

I nominate for your advice and consent, Levi Walters, to be Colonel of 28th Regiment, in place of James O'Neal, resigned.

Robert Powers, to be Lieutenant Colonel, in place of Levi Walters, if promoted.

Leland Pattie, to be Major of the 28th Regiment, in place of Robert Powers, if promoted.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

Two messages, in writing, received from the Governor on the 14th inst., were taken up and read as follows, viz:

EXECUTIVE DEPARTMENT,
February, 1839. }

Gentlemen of the Senate :

I nominate for your advice and consent, Henry W. Cleveland, to be Sheriff of the county of Pendleton, in place of John H. Barker, who refuses to accept.

JAS. CLARK.

EXECUTIVE DEPARTMENT,
February, 1839. }

Gentlemen of the Senate :

I nominate for your advice and consent, James M. Sullivan, to be Colonel of the 22d Regiment, in place of Victor Monroe, removed.

Albert G. Hodges, to be Lieutenant Colonel of the 22d Regiment, in place of James M. Sullivan, promoted.

James Hackett, to be Major of the 22d Regiment, in place of Albert G. Hodges, promoted.

William S. Lane, to be Colonel of the 34th Regiment, in place of Charles Glover, resigned.

John Lyons, to be Lieutenant Colonel of the 34th Regiment, in place of William S. Lane, if promoted.

Marcus Gill, to be Major of the 34th Regiment, in place of John Lyons, if promoted.

James Stone, to be Major of the 78th Regiment, in place of Green B. Kelley, refused to accept.

George Poindexter, to be Colonel of the 97th Regiment, in place of S. A. Benham, resigned.

Nathan Underwood, to be Lieutenant Colonel of the 97th Regiment, in place of George Poindexter, if promoted.

Edward Payne, to be Major of the 97th Regiment, in place of Nathan Underwood, if promoted.

Charles Armstrong, to be Lieutenant Colonel of the 102d Regiment, in place of Finis E. McLane, resigned.

John Murphy, to be Major of the 102d Regiment, in place of Charles Armstrong, if promoted.

J. H. Myers, to be Brigadier General of the 1st Brigade, in place of Peter Sweets, resigned.

Absalom Ashcraft, to be Brigadier General of the 23d Brigade, in place of Blancit Shacklett, resigned.

James Lawson, to be Major of the 85th Regiment, in place of Robert Lawson.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act fur-

ther to provide for the internal improvement of the State, reported the same without amendment.

The tenth section of the said bill is as follows, viz :

SEC. 10. That the sum of nine thousand dollars is hereby appropriated to the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in a direction to *Knoxville*, provided the Board of Internal Improvement be of opinion the expenditure will be of sufficient public utility to justify the same.

Mr. Guthrie moved to amend the bill by striking out the said section.

Mr. Hanson moved to amend the said section by inserting after the word "*Knoxville*," printed in italics, the following words, viz :

"And ten thousand dollars to a road from Irvine, in Estill county, to the mouth of Troublesome, in Perry county."

The question being taken on the adoption of the amendment, moved by Mr. Hanson, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and De Courcy, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	Jesup,	Walker, C. J.
Bradshaw,	May,	Wallace,
De Courcy,	Murrell,	Watkins,
Hanson,	Roberts,	Wickliffe,
Huston,	Schooling,	Willis—16.
Jasper,		

Those who voted in the negative were—

Messrs. Ballinger,	Ford,	Rice,
Beatty,	Guthrie,	Walker, J. V.
Burnett,	Johnston,	Weller,
Clarke,	Morgan, J. S.	Wingate,
Davidson,	Pitts,	Young, S.—15.

The question was then taken on striking out the said section, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Davidson, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Beatty,	Guthrie,	Morgan, J. S.
Burnett,	Johnston,	Wingate,
Davidson,	Morgan, D.	Young, S.—10.
Ford,		

Those who voted in the negative were—

Messrs. Ballinger,	Jesup,	Walker, C. J.
Barlow,	May,	Walker, J. V.
Bradshaw,	Murrell,	Wallace,
Clarke,	Pitts,	Watkins,
De Courcy,	Rice,	Weller,
Hanson,	Roberts,	Wickliffe,
Huston,	Schooling,	Willis—22.
Jasper,		

Mr. Burnett moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	De Courcy,	Wallace,
Beatty,	Johnston,	Wickliffe,
Bradshaw,	Morgan, D.	Willis,
Burnett,	Morgan, J. S.	Wingate,
Clarke,	Rice,	Young, S.—17.
Davidson,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Roberts,
Ford,	Jesup,	Schooling,
Guthrie,	May,	Walker, J. V.
Hanson,	Murrell,	Watkins,
Huston,	Pitts,	Weller—15.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Watkins and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Hanson,	Pitts,
Beatty,	Jesup,	Rice,
Clarke,	Johnston,	Roberts,
Davidson,	May,	Walker, J. V.
De Courcy,	Morgan, D.	Wallace,
Ford,	Morgan, J. S.	Wickliffe,
Guthrie,	Murrell,	Wingate—21.

Those who voted in the negative were—

Messrs. Barlow,	Jasper,	Watkins,
Bradshaw,	Schooling,	Weller,
Burnett,	Walker, C. J.	Willis—10.
Huston,		

The constitutional rule as to the third reading of the said bill being dispensed with,

Mr. Watkins moved to amend the same by adding thereto the following section by way of engrossed ryder, viz :

“That the 31st section of an act, entitled, an act defining the powers and duties of the Board of Internal Improvement, approved the 29th February, 1836, be, and the same is hereby extended for one year, to the counties of Meade, Breckinridge, Hancock, Daviess, Henderson and Union, provided the Board of Internal Improvement shall be of opinion that the expenditure would be of public utility.”

The question being taken on the adoption of the said amendment, it was decided in the negative, the rule of the Senate requiring a vote of two-thirds to adopt and engrossed ryder.

The yeas and nays being required thereon by Messrs. Watkins and Willis, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Barlow,	Jesup,	Schooling,
Burnett,	Johnston,	Walker, J. V.
Ford.	May,	Watkins,
Guthrie,	Murrell,	Weller,
Hanson,	Pitts,	Willis,
Huston,	Rice,	Wingate—20.
Jasper,	Roberts,	

Those who voted in the negative were—

Messrs. Ballinger,	De Courcy,	Tomlinson,
Beatty,	Morgan, D.	Walker, C. J.
Bradshaw,	Morgan, J. S.	Wallace,
Clarke,	Pratt,	Wickliffe—13.
Davidson,		

Mr. Beatty moved to amend the said bill by adding thereto the following section by way of engrossed ryder, viz :

“That if, in the opinion of the Governor, bonds bearing an interest of five per cent. per annum, can be sold upon terms more advantageous to the State than six per cent. bonds, he is hereby authorized to sell bonds, bearing that rate of interest, to the amount of one million one hundred thousand dollars, in lieu of the six per cent. bonds aforesaid, and payable as herein provided in relation to said six per cent. bonds.”

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Roberts,
Beatty,	Jasper,	Schooling,
Bradshaw,	Jesup,	Tomlinson,
Burnett,	Johnston,	Walker, C. J.
Clarke,	May,	Walker, J. V.
Davidson,	Morgan, D.	Wallace,
De Courcy,	Morgan, J. S.	Weller,
Ford,	Murrell,	Wickliffe,
Guthrie,	Pitts,	Willis,
Hanson,	Rice,	Wingate—31.
Huston,		

Those who voted in the negative were—

Messrs. Ballinger,	Pratt,	Watkins—3.
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Mr. Jasper moved to amend the said bill by adding thereto the following section by way of engrossed ryder, viz:

Be it further enacted, That it shall be the duty of the Board of Internal Improvement to cause to be expended, in the present year, five thousand dollars towards the improvement of the downward navigation of the Great South Fork of the Cumberland river, from Dick's Coal Mines, on said Great South Fork, to its mouth, or so much thereof as will be sufficient to secure a safe and convenient descending navigation.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jasper and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Barlow,	James,	Schooling,
Bradshaw,	Jasper,	Walker, J. V.
Burnett,	Jesup,	Watkins,
De Courcy,	Pitts,	Weller,
Huston,	Roberts,	Willis—15.

Those who voted in the negative were—

Messrs. Ballinger,	Ford,	May,
Beatty,	Guthrie,	Morgan, D.
Clarke,	Hanson,	Morgan, J. S.
Davidson,	Johnston,	Murrell,

Pratt,
Rice,
Tomlinson,

Walker, C. J.
Wallace,

Wickliffe,
Wingate—19.

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Clarke,
Davidson,
De Courcy,
Ford,
Guthrie,
Hanson,

Johnston,
May,
Morgan, D.
Morgan, J. S.
Murrell,
Pitts,
Pratt,

Rice,
Roberts,
Tomlinson,
Walker, J. V.
Wallace,
Wickliffe,
Wingate—22.

Those who voted in the negative were—

Messrs. Barlow,
Bradshaw,
Burnett,
Huston,

Jamés,
Jasper,
Schooling,
Walker, C. J.

Watkins,
Weller,
Willis,
Young, S.—12.

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

THURSDAY, FEBRUARY 21, 1839.

A message was received from the House of Representatives announcing that they had concurred in the amendments of the Senate to a resolution from that House, fixing a day for the adjournment of the Legislature.

That they had disagreed to a bill from the Senate, entitled, an act to authorize the Southwestern Railroad Bank to establish a branch in this State, and for other purposes.

That they had passed bills of the following titles, viz:

1. An act to amend the charter of the Lexington and Covington Turnpike Road Company.

2. An act to establish a State road from the town of Paducah to the State line, in a direction to Paris.

3. An act to amend an act, entitled, an act for the benefit of the heirs of James Allen, deceased.

4. An act to incorporate the Munfordsville Polemic and Library Society.

5. An act to change the place of voting in the Ruddell's Mill precinct, in Bourbon county.

6. An act to authorize the taking of depositions in certain cases.

7. An act for the divorce of Nancy Lyon.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 6th were referred to the committee on the Judiciary; the 2d to the committee of Internal Improvement; the 4th to the committee of Education; the 7th to the committee of Religion, and the 3d and 5th were ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the third and fifth bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives announcing that they had adopted resolutions upon the subject of the culture of silk, &c., in the State of Kentucky.

Mr. Wingate having obtained leave, reported a bill for the completion of the Franklin portion of the Crab Orchard turnpike.

Mr. Ford, from the committee appointed for that purpose, reported a bill providing adequate pay to witnesses summoned to appear before the committee on Internal Improvement, during the present session of the Legislature.

Which were each read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the first was ordered to be engrossed and read a third time, and the second was referred to the committee of Finance.

The constitutional rule as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of the petition of sundry citizens of Marion county for an amendment to an act to incorporate a company to make a turnpike road from Perryville to Greensburg, by way of Lebanon and New Market.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Ambrose Wickersham, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Jesup,	Walker, J. V.
Burnett,	Johnston,	Wallace,
Clarke,	May,	Watkins,
De Courcy,	Murrell,	Weller,
Ford,	Pitts,	Wickliffe,
Guthrie,	Pratt,	Willis,
Hanson,	Roberts,	Wingate,
Huston,	Schooling,	Young, S.—26.
Jasper,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Ballinger,	Davidson,	Rice,
Barlow,	James,	Tomlinson—8.
Bradshaw,	Morgan, J. S.	

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill declaring Gasper river, in Warren county, a navigable stream, reported the same with an amendment—which was concurred in.

The said bill was recommitted to the committee on Internal Improvement.

Mr. Ballinger, from the same committee, to whom was referred a bill to incorporate the Damascus Iron Manufacturing Company, in the county of Greenup, reported the same with the opinion of the committee that it ought not to pass.

On the motion of Mr. Rice, the said bill was laid on the table.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Munfordsville Bridge Company, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Schooling,
Barlow,	James,	Walker, C. J.
Beatty,	Jasper,	Walker, J. V.
Bradshaw,	Jesup,	Wallace,
Burnett,	Johnston,	Weller,
De Courcy,	Morgan, J. S.	Willis,
Ford,	Rice,	Wingate—23.
Hanson,	Roberts,	

Those who voted in the negative were—

Messrs. Murrell, Young, S.—2.

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Hanson, the committee of Finance was discharged from the duty of preparing and bringing in a bill for the benefit of Alexander R. McKee, Clerk of the Garrard County Court, and from the further consideration of the petition of A. B. Tomlinson; the petition of David Thomas; the petition of John Martin, and from the resolution to inquire into the expediency of authorizing a purchase, by the State, of the stock in the Louisville and Portland canal.

The following bills were reported, viz:

By Mr. Ballinger, from the committee of Internal Improvement—A bill to authorize the construction of a road from the bridge on the Rolling Fork to New Market.

A bill declaring the tributaries of Licking and other rivers navigable.

By Mr. Hanson, from the committee of Finance—A bill for the benefit of the Sheriff of Cumberland county.

A bill further regulating the duties of the Commissioners of revenue.

By Mr. Beatty, from the committee on Education—A bill to incorporate the Lebanon Lyceum.

By Mr. Johnston, from the committee of Propositions and Grievances—A bill to change the place of voting in Baley's precinct, in Shelby county.

By Mr. Schooling, from a select committee—A bill to repeal in part an act incorporating a company to make a turnpike road through Lebanon, Greensburg and Glasgow.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed, and the last amended,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred, without amendment, viz:

By Mr. Ballinger, from the committee of Internal Improvement—An act to authorize the establishment of roads to Coal Mines and Iron Banks.

By Mr. Hanson, from the committee of Finance—An act making an appropriation to the Anderson county Seminary.

An act for the benefit of Stephen R. Chenowith, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

By Mr. Beatty, from the committee of Education—An act to incorporate the Covington Social Library.

By Mr. Jesup, from the committee on Military Affairs—An act for the benefit of Rector Gore, and others.

By Mr. Guthrie, from the committee on the Judiciary—An act to legalize certain proceedings of the Morgan County Court.

An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

An act granting a change of venue in the prosecution against James Lynn, Jr.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act to incorporate the Bowlinggreen Fire, Life and Marine Insurance Company.

An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

An act for the benefit of the mechanics of Brandenburg.

An act for the benefit of the orphans of Louisville.

An act in relation to the Frankfort and Paris Fire Companies.

By Mr. Wingate, from the committee of Religion—An act for the divorce of Matilda Jones.

By Mr. Burnett, from the committee on the Library—An act providing for the purchase of certain books for the use of this State.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Gallatin county, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act for the benefit of the Sheriffs of Gallatin and Clarke counties.

Mr. Hanson from the same committee, to whom was referred a bill about Sheriffs' delinquent lists, reported the same without amendment.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Jasper, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Jesup,	Tomlinson,
Burnett,	Johnston,	Walker, C. J.
Ford.	Morgan, J. S.	Wallace,
Guthrie,	Murrell,	Willis,
Hanson,	Rice,	Young, S.—17.
Huston,	Schooling,	

Those who voted in the negative were—

Messrs. Barlow,	De Courcy,	Watkins,
Beatty,	James,	Weller,
Bradshaw,	Jasper,	Wickliffe,
Davidson,	Walker, J. V.	Wingate—12.

Mr. Beatty, from the committee on Education, to whom was referred a bill for the benefit of the trustees of the Glasgow Academy, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act authorizing a sale of the land and slaves descended to Mary McFeeters.

An act for the divorce of Sarah McGinnis.

An act for the benefit of Sandy H. Aldridge.

An act to change the name of Elizabeth Harris' children.

An act for the divorce of Rhoda Lytle.

An act to incorporate the trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act concerning the estate of Daniel Riley, deceased.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act for the benefit of Anne H. Blair, and the widow and heirs of William C. Warfield.

An act for the benefit of the Sheriff of Livingston county.

An act to allow an additional Constable to the county of Monroe.

An act for the benefit of Thomas Croper, James Southard and William Sugg.

An act to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers, a preference of location to lands improved by them.

An act to change the time of holding the Muhlenburg Circuit Court.

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the Cumberland Coal Mining Company.

An act making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes, reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so they were disagreed to.

Leave of absence was given to Messrs. A. Young, Barlow and Rice for the residue of the session, after to-day.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to establish a new Judicial District.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the following bills, viz:

A bill to incorporate the Louisville Coal Company.

A bill authorizing limited partnerships in this Commonwealth, reported the same, and they were laid on the table.

Mr. Guthrie, from the same committee, to whom was referred a bill to provide for a geological survey of the State, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

Mr. Guthrie, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Newton, reported the same without amendment.

The said bill was placed in the orders of the day.

Mr. Wingate, from the committee of Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard Lucas, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Polly T. Ellison, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act further to provide for the internal improvement of the State.

A bill from the House of Representatives, entitled, an act to amend the charter of the city of Covington, was referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles, were severally read the third time, viz:

An act for the benefit of B. H. Flowers, of Russell county, and William Gates, of Monroe county.

An act for the divorce of Nancy T. Sanders.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to require the Register to register certain surveys, and to require the appointment of a Treasurer of the School Fund, in Wayne county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act authorizing the condemnation of lands for toll houses, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for all incorporated companies now created, or which may be created for the construction of turnpike roads and toll bridges, and for the Commonwealth, when engaged in similar undertakings, to cause to be condemned for the use of the Commonwealth, or such company, any quantity of land, not exceeding one *half* acre, convenient to, or adjacent to, any toll bridge, or toll gate, on any turnpike road, for the purpose of erecting thereon a dwelling house, and out houses, for the use of the gate keeper, and to be appropriated to his sole and exclusive use; and for the condemnation of such land, for the purposes aforesaid, the Commonwealth and said companies shall proceed according to, and be governed in all respects by, the act, entitled, "an act to provide for the condemning land and materials for the construction of turnpike roads, bridges, and other works of Internal Improvement," approved February 22, 1836, so far as the provisions of said act apply to the condemnation of lands for the construction of turnpike roads; except that, by the writ of *ad quod damnum*, required to be issued by the Clerk of the Circuit Court, the jury shall be summoned and impaneled, to inquire and assess what damages the proprietor of said land will sustain by the condemnation thereof, for the purposes aforesaid; and in the oath administered to the jury, they shall be sworn to inquire and assess what damages said proprietor will sustain by the condemnation of said land, for the purposes aforesaid, and by additional fencing; and the jury shall render their verdict in the following manner, or substantially so, to-wit: We of the jury find that said ———, named in the within writ, will sustain damages to the amount of ———, by taking the required land for the purposes within mentioned; provided, that no land including any spring, orchard, garden, pleasure grounds, or any part of either of them, or lying within *one* hundred yards of any dwelling house, or door yard thereof, shall be condemned for said purposes, without the previous written consent of the owner, or owners, of the entire estate in such dwelling house and door yard; and, provided further, that whenever the Commonwealth or any company shall cease to use such land, for the purposes aforesaid, or shall use such land for any purpose not herein authorized, the right of the Commonwealth or such company in said land shall cease and determine, and the title thereof shall revert to, and re-vest in, the said proprietor.

Mr. Wickliffe moved to amend the said bill by adding thereto the following, viz:

"Provided, however, that no turnpike company shall have the benefit of this act, that shall not, before they apply for such writ, by their presiding officer, file an affidavit that, in his opinion, the company hath fixed and set up their toll gates at five mile points, or so near those distances as the situation of the ground will admit; and that application has been made to the proprietor or proprietors of the land near to, and adjoining any gate, to ac-

quire one half an acre of ground adjacent to the road and toll gate; and that the proprietor or proprietors refused to permit the company to have the use of a half an acre of ground, at a fair price paid, and that he is unable to set up a gate and toll house at the proper point by the charter, or within one hundred yards thereof, with the assent of the owner or owners of the land over which the road shall pass; and, provided further, that such writ shall, in no instance, authorize such company to condemn any lot or site for a toll house within a less distance than one mile of any city or town into, or through which said road shall pass; and, provided further, that the several turnpike companies shall have power to purchase or lease so much ground as may be necessary for the use of toll houses, and from which to get wood, stone, dirt, or other materials to repair, and keep in repair, the several turnpike roads.

Mr. Hanson moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Guthrie,	Walker, C. J.
Beatty,	Hanson,	Watkins,
Burnett,	Murrell,	Wingate—9.

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Weller,
Davidson,	Morgan, J. S.	Wickliffe,
De Courcy,	Schooling,	Willis,
Ford,	Walker, J. V.	Young, S.—14.
Jasper,	Wallace,	

The question was then taken on the adoption of the amendment moved by Mr. Wickliffe, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	Johnston,	Wallace,
De Courcy,	Morgan, J. S.	Weller,
Ford,	Roberts,	Wickliffe,
Jasper,	Tomlinson,	Willis,
Jesup,	Walker, J. V.	Young, S.—15.

Those who voted in the negative were—

Messrs. Ballinger,	Burnett,	Guthrie,
Beatty,	Davidson,	Hanson,

Huston,
Morgan, D.
Murrell,

Rice,
Schooling,
Walker, C. J.

Watkins,
Wingate—14.

Mr. Hanson moved to amend the said bill by striking out "half," printed in italics, and inserting in lieu thereof "quarter."

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Bradshaw,
Burnett,
Davidson,
De Courcy,
Guthrie,
Hanson,

Huston,
Jasper,
Johnston,
Morgan, D.
Morgan, J. S.
Murrell,
Pitts,

Tomlinson,
Walker, C. J.
Walker, J. V.
Wallace,
Watkins,
Willis,
Wingate—21.

Those who voted in the negative were—

Messrs. Ford,
Jesup,
Rice,

Roberts,
Schooling,
Weller,

Wickliffe,
Young, S.—8.

Mr. Wallace moved to amend the said bill by striking out "one," printed in italics, and inserting in lieu thereof "two."

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Bradshaw,
Burnett,
Davidson,
De Courcy,
Ford,
Jasper,

Jesup,
Johnston,
Morgan, D.
Morgan, J. S.
Pitts,
Rice,
Roberts,
Tomlinson,

Walker, J. V.
Wallace,
Watkins,
Weller,
Wickliffe,
Willis,
Wingate,
Young, S.—24.

Those who voted in the negative were—

Messrs. Guthrie,
Hanson,

Huston,
Murrell,

Walker, C. J.—5.

The said bill was further amended.

Mr. Guthrie moved the previous question.

The question being taken, "shall the main question be now put," it was decided in the affirmative.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Jasper,	Walker, J. V.
Beatty,	Morgan, D.	Wallace,
Burnett,	Murrell,	Watkins,
Davidson,	Pitts,	Willis,
Guthrie,	Rice,	Wingate,
Hanson,	Roberts,	Young, S.—20.
Huston,	Walker, C. J.	

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Tomlinson,
De Courcy,	Johnston,	Weller,
Ford,	Morgan, J. S.	Wickliffe—9.

Mr. Guthrie, from the committee on the Judiciary, reported a bill for the benefit of the Lexington and Ohio Railroad Company—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Huston,	Walker, C. J.
Burnett,	Jesup,	Watkins,
Davidson,	Johnston,	Weller,
Ford,	Murrell,	Willis,
Guthrie,	Pitts,	Wingate,
Hanson,	Roberts,	Young, S.—18.

Those who voted in the negative were—

Messrs. Ballinger,	Morgan, D.	Tomlinson,
Bradshaw,	Rice,	Wallace,
De Courcy,	Schooling,	Wickliffe—10.
Jasper,		

And then the Senate adjourned.

FRIDAY, FEBRUARY 22, 1839.

A message was received from the House of Representatives announcing that they had disagreed to a bill from the Senate, entitled, an act further defining the offence of burglary by a slave.

That they had passed bills from the Senate of the following titles, viz:

An act to incorporate the town of Locust Port, in Union county.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act for the appropriation of fines in the city of Lexington, and for other purposes.

An act for the benefit of William N. Taule's representatives.

An act to amend the charter of the Maysville Insurance Company.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act declaring the tributaries of Licking and other rivers navigable.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river to New Market.

An act to change the place of voting in Baley's precinct, in Shelby county.

An act for the benefit of James Doyle and his legal representatives.

An act further regulating the duties of the Commissioners of revenue.

An act to incorporate the Lebanon Lyceum.

An act for the benefit of the trustees of the Glasgow Academy.

That they had passed bills from the Senate of the following titles, with amendments, viz:

An act to amend an act to establish a system of Common Schools in the State of Kentucky.

An act for the benefit of John Boggess and his securities.

An act for the completion of the Frakling portion of the Crab Orchard turnpike.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of the Sheriff of Gallatin county.

An act to incorporate the Munfordsville Bridge Company.

That they had passed bills of the following titles, viz:

1. An act to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

2. An act to change the terms of the Courts in the second Judicial District, and the terms of the Allen County Court.

3. An act for the benefit of William Smith.

4. An act for the benefit of John Jarman.

5. An act to amend an act to establish a System of Common Schools in the State of Kentucky, approved February 16, 1838.

6. An act to amend an act to incorporate the Adairsville, Russellville and Muddy River Transporting Company.

7. An act for the appropriation of money.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 3d and 7th were referred to the committee of Finance; the 5th to the committee of Education, and the others were ordered to be read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 4th and 6th bills being dispensed with, and the second amended,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives requesting leave to withdraw their report of the disagreement of that House to a bill from the Senate, entitled, an act to amend the law incorporating the town of Bardstown.

Leave was given to withdraw said report. After a short time a message was received from the House of Representatives announcing that they had passed the said bill, with an amendment—which was concurred in.

Leave of absence was given to Mr. D. Morgan for the residue of the present session, after to-day.

Messrs. Murrell and Weller were added to the committee of Enrollments.

The Senate took up the report of the committee of Internal Improvement in the case of James R. Skiles, a member of the Board of Internal Improvement. The said report is as follows, viz:

The committee of Internal Improvement for the Senate, have had under consideration the resolutions, to them referred, touching the conduct of Jas. R. Skiles, as a member of the Board of Internal Improvement, and as President of the Board of Green river Commissioners, and herewith report the evidence which they have taken, with the unanimous expression of their opinion that the said Skiles is liable to the charge of being interested in a contract to furnish hydraulic lime to the public works, to improve the navigation of the Green and Barren rivers; that he was part owner of the steamboat Casket, and whilst so, part owner, the Casket, upon the recommendation of Skiles, was employed by the agent of the Green river Commissioners to transport lime from Louisville to the public works as aforesaid.

That the Green river Commissioners, upon the recommendation of the Chief Engineer of Kentucky, directed their Engineer to purchase an engine

to pump the lock pit, at lock No. 1, on Green river; that said engine was purchased by said Engineer of the said Skiles, at the price of \$1,200.

That there was evidence of the other facts implied by said resolutions, but, in the opinion of the committee, no reflection is fairly deducible therefrom, upon the conduct of said Skiles, either as an officer or as a private citizen.

All of which is respectfully submitted.

The Speaker stated that he had received a communication from the said James R. Skiles, with a request that he would lay the same before the Senate, that he had not had time to read it. The said communication was read.

The subject was discussed for some time.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act further to regulate the establishing of ferries and granting of ferry privileges across the Ohio river, and for other purposes, reported the same with amendments.

Mr. Wickliffe moved to lay the said bill and amendments on the table until to-morrow.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and James, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	May,	Watkins,
Clarke,	Morgan, J. S.	Weller,
De Courcy,	Pitts,	Wickliffe,
Hanson,	Tomlinson,	Young, S.—14.
James,	Walker, J. V.	

Those who voted in the negative were—

Messrs. Beatty,	Huston,	Schooling,
Burnett,	Jasper,	Wallace,
Ford.	Johnston,	Wingate—11.
Guthrie,	Pratt,	

An engrossed bill, entitled, an act more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying concealed, deadly weapons, not necessary for self-defence, or that of the State, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying deadly weapons.

An engrossed bill, entitled, an act to provide for a Geological survey of the State, was read the third time as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a thorough and complete Geological Survey of the State is hereby authorized and directed to be executed, and that the Governor be, and he is hereby, authorized and directed to appoint a Chief Geologist, who shall have the general charge and supervision of the survey; and the said Chief Geologist shall appoint three Geologists, one Mineralogist and Chemist, one Botanist, one Zoologist, and one Palaeontologist, each competent in his respective department, who, together, shall form a Geological corps of the State; and the sum of \$16,000 per annum, is hereby appropriated for four years, to complete the survey, to be paid by the Treasurer, on the order of the Chief Geologist, who shall be held responsible to the State for the integrity of its disbursement. The Chief Geologist shall prescribe the duties of the members of the Geological corps, and they shall be held accountable to him for the faithful performance of them. Each of the three Geologists shall have charge of the investigations in his particular district, which shall be assigned him by the Chief Geologist. They shall examine county by county, observing and examining all the rocks, minerals, soils, and mineral springs; and they shall trace out the mineral deposits, rocks, quarries, mines, marbles, peat, marl, and their extent, estimate the quantity, facilities for working and mining, transport to market, and in fact every thing that may render them available and valuable to their owners; and they shall inform the owner of their discoveries on his estate, before any information on the subject is communicated to any other individual; and finally, at the close of each season, they shall report the economical results of their examinations to the Chief Geologist, against such day as he may direct, so that he may make his annual report to the Legislature. The Mineralogist and Chemist shall give a description of all the localities of the various minerals, with their uses and practical applications, and also, an analysis of all the minerals, mineral waters, soils, &c., with a view to improve modes of application, manufacture or cultivation, &c.; and he shall have a Chemical Laboratory located at the seat of Government for the analysis of the minerals, ores, soles, mineral waters, &c., &c., in such a state of efficiency, that the various mineral substances, soils, mineral waters, &c., sent there by individuals from the different counties of the State, and by members of the Legislature, shall be analyzed during the session of the General Assembly, and the results made known to those who furnished the specimens for analysis; and he shall also report, annually, to the Chief Geologist, the result of his labors for each year. The Botanist shall make a botanical survey of the State, and shall give descriptions, not only of all trees and plants of natural growth, but also of every thing connected with the best modes of culture, and of trees and plants which may be profitably introduced into the State from other lands, and of obviating the various diseases of plants and trees, and particularly those that are extensively cultivated, as grains, fruits, esculent roots, hemp, tobacco, &c., and shall make his annual report to the Chief Geologist. The Zoologist shall give a description of all the animals, birds, insects, fishes, reptiles, shells, &c., of the State, with the best modes of breeding and rearing those that are useful, and of obviating the effects of noxious insects, animals or birds, which frequently destroy or injure the

crops of the agriculturist; and he shall make his annual report to the Chief Geologist. The Palaeontologist shall examine and describe all the fossil remains and petrifications found in the State, and shall make his annual report to the Chief Geologist. And the Governor shall give such instructions to the Chief Geologist as shall secure an accurate and complete Geological survey of the State, embracing the departments of Mineralogy and Chemistry, Botany, Zoology and of Palaeontology, who shall report, annually, on or before the 15th of January, to the Legislature, the economical results of the survey, in order that the people may reap some of the benefits during its progress. The Chief Geologist shall have all mines, quarries, mineral beds, ores, mineral waters, &c., examined during the survey, if application be made by the proprietors, and to give an opinion, on consultation, as to the probable success of working any particular mine, mineral, quarry, mineral water, &c.; and he shall prepare a Geological map of the State, after the completion of the field duties of the survey, with suitable sections, diagrams, &c., to illustrate the Geological structure of the State; and he shall, also, prepare a detailed report after the completion of the survey, describing and illustrating clearly, the Geology and Mineralogy, both scientific and economical, of the State, together with the results of the analysis of such minerals, ores, salts, soils, mineral waters, &c., as shall have been analyzed during the progress of the survey. And the Chief Engineer of the State shall, when requested by the Chief Geologist, cause to be executed, by some member of the Board of Engineers, a topographical survey of the State, as a basis of an accurate Geological Map, which shall show the extent and distribution of each of the rocks, minerals, mines, quarries, mineral springs, &c., of the State, the result of which topographical survey, accompanied by proper maps and diagrams, shall be reported to the Chief Geologist for his use in the discharge of his duties. The Chief Geologist shall, if he thinks proper, add to the duties imposed by this act upon the Geologists, Mineralogist and Chemist, Botanist, Zoologist, Palaeontologist and Topographical Engineer, and they shall each be held bound to obey his written instructions. The Botanist and Zoologist, shall, also, after the final completion of the survey, each make a final report to the Legislature, embracing and properly arranging all the details of the economical and scientific results of their labors, in the Botanical and Zoological departments of the survey, during its progress. And the maps, diagrams, and specimens of the rocks, minerals, ores, soils, Botanic and Zoological productions of the State, shall be deposited in the State Library, and such portions of them, as the Governor may direct, shall be deposited in such literary institutions as he may designate.

The question was taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Guthrie and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,
Beatty,
Davidson,
Guthrie,
Hanson,

Johnston,
Murrell,
Pitts,
Pratt,
Walker, C. J.

Wallace,
Watkins,
Weller,
Wickliffe—14.

Those who voted in the negative were—

Messrs. Bradshaw,	Jasper,	Schooling,
Burnett,	Jesup,	Tomlinson,
Clarke,	May,	Wil'is,
De Courcy,	Morgan, D.	Wingate,
Ford,	Morgan, J. S.	Young, S.—16.
Huston,		

An engrossed bill, entitled, an act about Sheriffs' delinquent lists, was read the third time.

Resolved, That the said bill do pass and that the title thereof be as afore-said.

An engrossed bill, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, was read the third time.

Mr. Willis moved to amend the said bill by adding thereto the following engrossed clause by way of ryder, viz:

"Provided said company shall agree to pay a rate of interest on said sum of not less than six per cent. per annum; the interest payable half yearly, and the principal redeemable in twenty five years from the time of the loan."

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Weller, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Jasper,	Tomlinson,
Bradshaw,	Jesup,	Walker, J. V.
Davidson,	Johnston,	Wallace,
Ford,	Murrell,	Willis,
Guthrie,	Pratt,	Wingate,
Hanson,	Roberts,	Young, S.—19.
Huston,		

Those who voted in the negative were—

Messrs. Ballinger,	May,	Weller,
Clarke,	Morgan, J. S.	Wickliffe—8.
De Courcy,	Watkins,	

The said bill was further amended by way of ryder.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Jesup,	Wallace,
Davidson,	Johnston,	Watkins,
Ford.	Murrell,	Willis,
Guthrie,	Pitts,	Wingate,
Hanson,	Roberts,	Young, S.—17.
Huston,	Walker, J. V.	

Those who voted in the negative were—

Messrs. Ballinger,	Jasper,	Tomlinson,
Bradshaw,	May,	Walker, C. J.
Clarke,	Morgan, J. S.	Weller,
De Courcy,	Pratt,	Wickliffe—12.

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act authorizing the condemnation of land for toll houses, was read the third time, as amended.

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Murrell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Huston,	Walker, J. V.
Beatty,	Murrell,	Wallace,
Clarke,	Pitts,	Watkins,
Davidson,	Roberts,	Willis,
Guthrie,	Walker, C. J.	Wingate—16.
Hanson,		

Those who voted in the negative were—

Messrs. Bradshaw,	Jesup,	Pratt,
De Courcy,	Johnston,	Tomlinson,
Ford,	May,	Weller,
Jasper,	Morgan, J. S.	Wickliffe—12.

Resolved, That the title of the said bill be as aforesaid.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend an act to establish a System of Common Schools in the State of Kentucky, were twice read and disagreed to.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were severally twice read and concurred in, viz:

An act for the benefit of John Boggess and his securities.

An act for the completion of the Frakling portion of the Crab Orchard turnpike.

Resolutions from the House of Representatives upon the subject of the culture of silk in the State of Kentucky, were twice read and concurred in.

On the motion of Mr. Ballinger, leave was given to withdraw a copy of a bill in chancery, filed in the papers on the inquiry in relation to the Richmond and Lexington Turnpike Road Company.

Mr. Guthrie, from the committee on the Judiciary, reported a bill to amend the charter of the Bardstown and Green River Turnpike Road Company, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act for the benefit of M. J. W. Ambrose and wife.

An act requiring the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund, in Wayne county.

An act to amend the charter of the city of Covington, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Guthrie, the committee on the Judiciary was discharged from the further consideration of all the business before them, except an act changing the terms of the Court of Appeals, and for other purposes.

Mr. Wingate, from the committee of Religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the divorce of Nancy Lyon.

An act for the divorce of Polly Hurt, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Wingate, the committee of Religion was discharged from the further consideration of all the business before them.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, reported the same with an amendment.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That [the Board of Internal Improvement be, and they are hereby directed to subscribe for an additional amount of stock in the Louisville and Elizabethtown Turnpike Road Company, at the rate of two dollars, on the part of the State, for one taken by private individuals, provided, that so much may be necessary to complete said road from Louisville to the mouth of Salt river; and] the charter of said company is hereby so amended as to authorize the President and Directors to make a covered road instead of a McAdamized road, provided that the Board of Internal Improvement shall assent thereto.

The said amendment proposes to strike out all that part of the bill included in brackets.

Mr. J. S. Morgan moved to lay the said bill and amendment on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and Davidson, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	De Courcy,	Murrell,
Bradshaw,	Morgan, D.	Walker, C. J.
Clarke,	Morgan, J. S.	Wallace—10.
Davidson,		

Those who voted in the negative were—

Messrs. Ballinger,	Jesup,	Schooling,
Ford,	Johnston,	Tomlinson,
Guthrie,	May,	Watkins,
Hanson,	Pitts,	Weller,
Huston,	Roberts,	Wingate—16.
Jasper,		

The question was then taken on concurring in the said amendment, and it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Guthrie and De Courcy, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Bradshaw,	Davidson,
Beatty,	Clarke,	De Courcy,

Jasper,
Morgan, D.
Morgan, J. S.

Murrell,
Walker, C. J.

Wallace,
Wingate—13.

Those who voted in the negative were—

Messrs. Ford,
Guthrie,
Hanson,
Huston,
Jesup,

Johnston,
May,
Pitts,
Roberts,

Schooling,
Tomlinson,
Watkins,
Weller—13.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act to establish a State road from the town of Paducah to the State line, in a direction to Paris, reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of Harrison Rankins, and wife, and children.

An act to amend the seventh section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to incorporate the Maysville Lyceum.

An act to repeal so much of the 79th section of the militia law as requires the militiamen to carry guns to muster.

An act for the benefit of Rebecca Evans.

An act for the benefit of Mary McBrayer, and her children.

An act to amend the law concerning the action of trespass.

An act to amend an act, entitled, an act to authorize the citizens of the

town of Columbus, in the county of Hickman, to elect their trustees, and for other purposes, approved February 9, 1837.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved 16th of January, 1838.

An act for the benefit of the estate of Franklin C. Averil.

An act for the benefit of William Spratt, and others.

An act to appoint trustees for the town of Summersville.

An act to amend an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets, to be lodged with the Secretary of State, by the Banks of the Commonwealth.

An act to change the time of holding the Green Circuit Court.

An act for the benefit of Anderson Dunn, Isaac Hemingway and William Ratcliffe.
Approved February 14, 1839.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes.

An act for the benefit of the estate of Guthrie Morris.

Approved February 16, 1839.

An act to amend the charter of the town of Paducah.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to regulate the mode of appointing trustees to the Cumberland Hospital.

An act to regulate the town of Clay Village.

An act to incorporate the town of Rumsey, and to amend the charter of the town of Caseyville, in Union county.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.
Approved February 18, 1839.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

An act for the relief of the Sheriff of Caldwell county.

An act for the benefit of John M. Emerson and his securities.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of the widow and heirs of Stephen Gilbert, deceased.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved February 17th, 1836.

An act to close up the old road over Muldrow's hill.

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act for the benefit of Tabitha Hix.

An act to repeal in part an act to change the bounds of the 7th division of Kentucky Militia, and for other purposes.

An act increasing the powers of the trustees of Barboursville.

An act for the benefit of Noah C. Summers, and others.

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to regulate the administration and settlement of estates.

An act for the benefit of the late and present Sheriffs of Washington county.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of jurors, approved February 23, 1837.

An act to incorporate the Transylvania Institute, and for other purposes.

Approved February 20, 1839.

Three messages, in writing, were received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up. One of them was read as follows, viz:

EXECUTIVE DEPARTMENT,
February 22, 1839. }

*Gentlemen of the Senate
and House of Representatives:*

In compliance with the request of his Excellency, the Governor of New Jersey, made in obedience to a resolution of the Legislature of that State, I herewith transmit a copy of a series of joint resolutions, together with a report of the joint committee of the Council and General Assembly of the State of New Jersey, respecting the public lands.

JAS. CLARK.

Ordered, That the said message be laid on the table.

The other two messages were read as follows, viz:

EXECUTIVE DEPARTMENT,
February, 22, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Stephen Jett, Hardin Combs, Alexander Herald, Jeremiah W. South, Thomas Higgins, James P. Cope, Harman Hurst, Allen Moore, Simeon Bohannon, Claiborn Crawford, and Andrew Pence, to be Justices of the Peace for the new county of Breathitt.

Richard South to be Sheriff, and William Allen to be Coroner of the said new county of Breathitt.

William A. Cocke, to be Marshal of the Louisville Chancery Court.

Thomast S. Page, Jacob Swigert and Albert G. Hodges, to be securities of James Davidson in his official bond as Treasurer.

William H. Pope, Angernon Gray and David Heran, to be Directors of the Bank of Kentucky.

Charles C. Moore, Robert Wickliffe, Jr. and Henry T. Duncan, to be Directors of the Northern Bank of Kentucky.

Madison C. Johnson, William M. Brand, Henry Clay, Jr., Benjamin Gratz and Leslie Combs, to be Trustees of Transylvania University.

James T. Morehead to be President, and James R. Skiles, Manlius V. Thomson and Samuel Daviess, to be members of the Board of Internal Improvement.

John B. Hicks, to be Police Judge in the town of Paducah.

JAS. CLARK.

EXECUTIVE DEPARTMENT, }
February 22, 1839. }

Gentlemen of the Senate :

I nominate for your advice and consent, William Ratcliff, to be Major General of the 7th Division, in place of Thompson Ward, removed.

James Workman, to be Colonel of the 65th Regiment, in place of John A. Turner, resigned.

Joseph T. Swetman, to be Lieutenant Colonel of the 65th Regiment, in place of James Workman, if promoted.

David W. Fletcher, to be Major of the 65th Regiment, in place of Joseph T. Swetman, if promoted.

Fountain Cunningham, to be Lieutenant Colonel of the 41st Regiment, in place of Jacob B. Hopkins, resigned.

William H. Cunningham, to be Major of the 41st Regiment, in place of Fountain Cunningham, if promoted.

Daniel Morgan, to be Colonel of the 58th Regiment, in place of St. Clair Emmons, resigned.

Washington Fugna, to be Lieutenant Colonel of the 58th Regiment, in place of Daniel Morgan, if promoted.

Francis R. Daviess, to be Major of the 58th Regiment, in place of Washington Fugna, if promoted.

JAS. CLARK.

Resolved, That the Senate advise and consent to the appointment of the several persons as nominated, and approve of the said securities of James Davidson as Treasurer.

The yeas and nays being required on advising and consenting to the appointment of James R. Skiles as a member of the Board of Internal Improvement, by Messrs. Willis and Pratt, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Beatty,
Clarke,

Davidson,
De Courcy,

Ford,
Guthrie,

Hanson,
Jesup,
Johnston,
May,
Morgan, D.

Roberts,
Schooling,
Tomlinson,
Walker, C. J.
Walker, J. V.

Wallace,
Watkins,
Wickliffe,
Young, S.—20.

Those who voted in the negative were—

Messrs. Ballinger,
Bradshaw,
Burnett,
Huston,

Jasper,
Morgan, J. S.
Murrell,
Pitts,

Pratt,
Weller,
Willis,
Wingate—12.

Mr. Beatty, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Munfordsville Polemic and Literary Society, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act for the benefit of the Clerks of the Henderson, Barren, Simpson, Logan and Union Circuit and County courts.

An act for the divorce of Hugh Lane.

Approved Feb. 12, 1839.

An act to establish the town of Brooksville, in Bracken county.

Approved Feb. 16, 1839.

An act to incorporate the town of Port Royal.

An act to increase the powers of the trustees of the town of Columbia.

An act to establish the town of Hillsborough, in Fleming county.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act for the benefit of the Sheriff of Livingston county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act for the benefit of the infant heirs of Samuel Pottinger, deceased.

An act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

An act to increase the capital stock of the Falmouth Bridge Company, and for other purposes.

An act to increase the pay of patrollers, in Fayette, Henderson and Breckinridge counties.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

An act to incorporate the trustees of the Republican School, in Bracken county.

An act for the benefit of the representatives of Rodolphus B. Great-house, deceased.

An act for the benefit of the heirs of Harmon A. Stidger, deceased.

An act to provide for running the line between Marion and Washington counties.

An act for the divorce of Maria K. Vance.

An act in relation to certain election precincts in Lawrence and Hardin counties.

An act vesting the Trustees of the towns of Lebanon and Springfield, with power to cause certain streets of said towns to be McAdamized or paved.

An act to enlarge the powers of the trustees of Brandenburg.

An act for the divorce of Eliza H. Bush.

An act for the divorce of John M. Emerson, Jr.

An act for the benefit of John G. Scroggin, surveyor of Bourbon county.

An act for the benefit of Thomas Sweeney.

An act for the benefit of the heirs of John Carey, deceased.

An act for the benefit of William Vice.

An act for the benefit of the Sheriff of Montgomery county.

An act to incorporate the towns of New Haven and Hodgenville.

An act for the benefit of the Sheriff of Jefferson county.

An act appointing trustees of the Lebanon Academy, in Todd county.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

Approved, Feb. 18, 1839.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act for the benefit of John Steele.

An act requiring a special County Court to be held in Shelby county for the purpose of swearing in deputy Sheriffs.

An act for the benefit of Fountain Cunningham.

An act to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

An act to establish an election precinct in Christian county.

An act to abolish an election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the divorce of Rebecca Hutchinson.

An act for the benefit of Dawson Elliott, of Madison county.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act for the benefit of Enoch Yantis.

An act to incorporate the town of Wyoming, in the county of Bath.

An act for the benefit of George W. Williams.

An act for the benefit of James W. Finnie.

An act concerning the towns of Warsaw and Monticello.

An act to reduce into one the several attachment laws, and for settling proceedings on attachments against absconding debtors.

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act for the benefit of John Myers.

An act to incorporate the Hickman Turnpike Road Company.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act for the benefit of William Gilpin and Frances Gilpin.

An act to incorporate the Newton Society of Bacon College.

An act authorizing the sale of real estate of Hiram Spurlocks, deceased, and for other purposes.

An act to establish the Southern Bank of Kentucky.

An act for the benefit of the Clerks of this Commonwealth.

An act to allow an additional Justice of the Peace in Carroll county.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to extend the August term of the Anderson Circuit Court.

An act to change the name of Eloisa Rook to that of Eloisa Marshall

An act changing the terms of the Fayette Circuit Court.

An act allowing one additional Justice of the Peace to the county of Mercer.

An act to continue in force an act for the benefit of the holders of head-right certificates.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to trustees a portion of the public square in the town of Versailles.

An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

An act for the benefit of the Sheriff of Floyd county.

An act allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.

An act for the benefit of Robert G. Lewis.

An act for the benefit of Joseph McDowell.

An act to authorize the election of trustees of the town of Port Oliver, in the county of Allen.

An act to amend an act, entitled, an act to regulate the election of trustees of the town of Scottsville.

An act to provide for the appointment of Attorneys for the Commonwealth.

An act to allow additional Justices of the Peace and Constables to several counties.

An act for the benefit of the heirs and representatives of Jos. Walker.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

Approved Feb. 20, 1839.

An act authorizing a sale of the land and slaves descended to Mary McPheters.

An act for the divorce of Sarah McGinnis.

An act for the benefit of Sandy H. Aldridge.

An act to change the names of Elizabeth Harris' children.

An act for the divorce of Rhoda Lytle.

An act to incorporate the trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act concerning the estate of Daniel Riley, deceased.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act for the benefit of Anne H. Blair, and the widow and heirs of William C. Warfield.

An act for the benefit of the Sheriff of Livingston county.

An act to allow an additional Constable to the county of Monroe.

An act to change the time of holding the Muhlenburg Circuit Court.

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

An act to amend an act, entitled, an act to prevent further confiction in land claims, and to secure to seaters and improvers, a preference of location to lands improved by them.

An act for the benefit of Thomas Croper, James Southard and William Sugg.

Approved Feb. 21, 1839.

Mr. Hanson, from the committee of conference on the disagreement between the Houses on the fifth amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to establish the office of Comptroller of the Treasury, and for other purposes, reported that the committee could not come to an agreement.

On the motion of Mr. Hanson,

Resolved, That the Senate recede from their disagreement to the said amendment.

The Senate resumed the consideration of the report of the committee of Internal Improvement on the case of James R. Skiles and his communication to the Senate.

Mr. Murrell Moved the following resolution, viz:

Resolved, That the Sergeant-at-Armes of the Senate return to James R. Skiles, Esq. the papers sent into the Senate by said James R. Skiles—the same being, in the opinion of the Senate, improper and disrespectful to the Senate.

Mr. Beatty moved to amend the said resolution by striking out all after the word “resolved,” and inserting in lieu thereof the following, viz:

“That the communication of James R. Skiles, made to the Senate to-day, be rejected, and that he be permitted to withdraw the same.”

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Beatty,	Guthrie,	May,
De Courcy,	Hanson,	Watkins—8.
Ford,	Jesup,	

Those who voted in the negative were—

Messrs. Ballinger,	Jasper,	Walker, J. V.
Bradshaw,	Morgan, J. S.	Wallace,
Burnett,	Murrell,	Weller,
Clarke,	Pitts,	Wickliffe,
Huston,	Walker, C. J.	Wingate—15.

The question was then taken on the adoption of the resolution offered by Mr. Murrell, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell and Willis, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Morgan, J. S.	Wallace,
Bradshaw,	Murrell,	Weller,
Burnett,	Pitts,	Wickliffe,
Clarke,	Walker, C. J.	Willis,
Huston,	Walker, J. V.	Wingate—16.
Jasper,		

Those who voted in the negative were—

Messrs. Beatty,	Guthrie,	Morgan, D.
De Courcy,	Hanson,	Watkins,
Ford,	Jesup,	Young, S.—9.

A message was received from the House of Representatives, announcing that they had insisted on their amendment to a bill from the Senate, entitled, an act to amend an act to establish a System of Common Schools in the State of Kentucky, and had appointed a committee of conference on their part.

The said amendment proposes to add to the bill the following section, viz:

SEC. 89. *Be it further enacted*, That so much of the act establishing a System of Common Schools as allows a salary of one thousand dollars to the Superintendent of the Board of Education be, and the the same is hereby repealed.

Mr. Willis moved that the Senate recede from their disagreement to the said amendment.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. De Courcy and Watkins, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bradshaw,	May,	Schooling,
Burnett,	Morgan, J. S.	Willis,
Davidson,	Murrell,	Wingate,
Guthrie,	Pitts,	Young, S.—13.
Jesup,		

Those who voted in the negative were—

Messrs. Ballinger,	Hanson,	Wallace,
Beatty,	Huston,	Watkins,
Clarke,	Johnston,	Weller,
De Courcy,	Walker, C. J.	Wickliffe—14.
Ford,	Walker, J. V.	

Messrs. Hanson and Wickliffe were appointed a committee of conference on the part of the Senate.

After a short time Mr. Hanson reported that the committee of conference had met and agreed that the House of Representatives ought to recede from their said amendment.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee, and receded from their amendment.

Mr. Johnston, from the committee of Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the appropriation of money, reported the same with amendments—which were concurred in.

The said bill was further amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

After a short time a message was received from the House of Representatives announcing that they had concurred in the said amendments.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred, without amendment, viz:

By Mr. Hanson, from the committee of Finance—An act for the benefit of William Smith.

By Mr. Ballinger, from the committee of Internal Improvement—An act for the benefit of Robert Arbery.

An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

An act to establish a road from Harrodsburg, in Mercer county, to the Delaney's old road, in Anderson county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. C. J. Walker, leave was given to withdraw the petitions of John Martin and David Thomas.

Mr. Murrell, from the committee of Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of James Doyle and his legal representatives.

An act for the benefit of the trustees of the Glasgow Academy.

An act to incorporate the Lebanon Lyceum.

An act further regulating the duties of the Commissioners of the revenue.

An act declaring the tributaries of Licking and other rivers navigable.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river to New Market.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act to amend the charter of the Maysville Insurance Company.

An act for the benefit of William N. Taule's representatives.

An act for the appropriation of fines in the city of Lexington, and for other purposes.

An act to amend the several laws in force for the town of Lebanon.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act to incorporate the town of Locust Port, in Union county.

An act to change the place of voting in Baley's precinct, in Shelby county.

An act for the benefit of John Boggess and his securities, and James G. Hardy.

An act establishing the office of Second Auditor, and for other purposes. And that they had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act further to provide for the internal improvement of the State.

An act for the benefit of the heirs of Reuben Sullinger, deceased.

An act allowing additional Justices of the Peace to several counties, and for other purposes.

An act to add a part of Pulaski to Russell county.

An act for the benefit of the infant heirs of Edward Hord, deceased.

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of Stephen R. Chenowith, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act for the benefit of the Sheriffs of Gallatin and Clarke counties.

An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

An act to legalize certain proceedings of the Morgan County Court.

An act for the benefit of Recter Gore and others.

An act for the divorce of Polly T. Ellison.

An act for the divorce of Nancy T. Sanders.

An act for the divorce of Matilda Jones.

An act for the benefit of the mechanics of Brandenburg.

An act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county.

An act for the benefit of the orphans of Louisville.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act to amend an act, entitled, an act for the benefit of the heirs of James Allen, deceased.

An act to change the place of voting in the Ruddell's Mill precinct, in Bourbon county.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Murrell reported that the committee had performed that duty.

Mr. Beatty, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to establish a System of Common Schools in the State of Kentucky, approved

February 16, 1838, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time.

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Young and Wallace, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Ballinger,	Jasper,	Schooling,
Beatty,	Jesup,	Walker, J. V.
Davidson,	Johnston,	Wallace,
De Courcy,	May,	Weller,
Ford,	Morgan, J. S.	Wickliffe,
Hanson,	Pitts,	Willis,
James,	Pratt,	Wingate—21.

Those who voted in the negative were—

Messrs. Bradshaw,	Huston,	Young, S.—3.
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Resolved, That the title of the said bill be as aforesaid.

Mr. Wickliffe read and laid on the table the following resolution, viz:

Resolved, That the following be added to the standing rules, viz:

“That a committee be appointed to be styled, the Committee on Federal Relations, whose duty it shall be to take into consideration all matters relating to the intercourse between this State and the other States, the national government, and such other business as may be referred to said committee.”

Mr. Ballinger, from the committee of Internal Improvement, reported a bill to incorporate the Princeton and Ohio Turnpike Road Company, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred resolutions from the House of Representatives for a route for a railroad from Lexington to the mouth of Big Sandy, reported the same with an amendment—which was concurred in, and the said resolutions were concurred in, as amended.

On the motion of Mr. Ballinger, the committee of Internal Improvement was discharged from the further consideration of all the business before them.

Mr. Hanson, from the committee of Finance, to whom was referred a bill providing adequate pay to witnesses summoned to appear before the com-

mittee of Internal Improvement during the present session of the Legislature, reported the same without amendment.

The said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to change the terms of the Courts in the second Judicial District, and the terms of the Allen County Court.

An act authorizing the condemnation of land for toll houses.

That they had disagreed to a bill from the Senate, entitled, an act about Sheriffs' delinquent lists.

And that they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Louisville and Mississippi Railroad Company

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

An act to amend the charter of the Bardstown and Green river Turnpike Road Company.

An act to incorporate the Jefferson Turnpike Company, with an amendment to the last.

The said amendment was twice read and concurred in.

Mr. Pitts moved the following resolution, viz:

Resolved by the Senate, That it is highly improper for any member of the Board of Internal Improvement to be concerned, in any way, in any contract for the improvement of the roads or rivers of this Commonwealth.

On the motion of Mr. S. Young, the said resolution was laid on the table.

And then the Senate adjourned.

SATURDAY, FEBRUARY 23, 1839.

On the motion of Mr. Willis, the committee of Propositions and Grievances was discharged from the further consideration of all the business before them.

The resolution for adopting an additional rule of the Senate, offered by Mr. Wickliffe on yesterday, was taken up, and the question being taken on the adoption thereof, it was decided in the negative.

A bill from the House of Representatives, entitled, an act for the benefit of James Newton, was laid on the table.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act for the benefit of Thomas Smith, of Lexington.

That they had passed a bill from the Senate, entitled, an act prescribing further duties to the Commissioners of the revenue, with amendments—which were concurred in.

That they had passed bills from the Senate of the following titles, viz :

An act for the benefit of John B. Whitford, and his securities.

An act increasing the allowance to the jailer of McCracken county for keeping runaway slaves.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the benefit of the Clerk of the city Court of Louisville.

An act for the benefit of the Sheriff of Campbell county.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

An act providing adequate pay to the witnesses summoned to appear before the committee of Internal Improvement during the present session of the Legislature.

An act for the benefit of Otho Wilson.

That they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act to amend an act to establish a System of Common Schools in the State of Kentucky, approved February 16th, 1838.

That they had concurred in the amendments proposed by the Senate to resolutions from that House for the survey of the route for a railroad from Lexington to the mouth of Big Sandy.

And that they had unanimously adopted resolutions in relation to the communications from the State of Indiana upon the subject of slavery.

The said resolutions were twice read, amended and unanimously adopted.

A message was received from the House of Representatives, announcing that they had concurred in the said amendments.

Mr. Guthrie, from the committee on the Judiciary, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act changing the terms of the Court of Appeals, and for other purposes, reported the same with the opinion of the committee that the Senate disagree to the said amendments, and they were disagreed to.

On the motion of Mr. Jasper,

Resolved, That the Public Printer print three thousand eight hundred copies of the titles of the acts of the present session of the Legislature, together with a short summary of the contents of each act, for the use of the members of this House.

A message, in writing, was received from the Governor, by Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

EXECUTIVE DEPARTMENT, }
February 23, 1839. }

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas S. Page, to be Second Auditor of Public Accounts, and Hubbard H. Kavanaugh, to be Superintendent of Public Instruction, and Thomas B. Stevenson, to be Clerk of the Penitentiary.

JAS. CLARK.

Resolved, That the Senate advise and consent to the said appointments

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of James Doyle and his legal representatives.

An act for the benefit of the trustees of the Glasgow Academy.

An act to incorporate the Lebanon Lyceum.

An act further regulating the duties of the Commissioners of the revenue.

An act declaring the tributaries of Licking and other rivers navigable.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river, to New Market.

An act to amend the charter of the Maysville Insurance Company.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act for the appropriation of the fines in the city of Lexington, and for other purposes.

An act for the benefit of William N. Taule's representatives.

An act to amend the several laws in force for the town of Lebanon.

An act to incorporate the town of Locust Port, in Union county.

An act so authorize the running and re-marking the line between Green and Adair counties.

An act to change the place of voting in Bailey's precinct, in Shelby county.
Approved February 22, 1839.

An act to establish the Office of Second Auditor, and for other purposes.

An act for the benefit of John Boggess and his securities, and James G. Hardy.
Approved February 23, 1839.

The committee of Enrollments reported that they had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Louisville and Mississippi Railroad Company.

An act to incorporate the Jefferson Turnpike Company.

An act to amend an act to establish a system of Common Schools in the State of Kentucky.

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

An act to amend the charter of the Bardstown and Green River Turnpike Road Company.

An act for the completion of the Frakling portion of the Crab Orchard turnpike, and to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

An act to amend the law incorporating the town of Bardstown.

An act providing adequate pay to witnesses summoned to appear before the committee of Internal Improvement during the present session of the Legislature.

An act for the benefit of the Sheriff of Campbell county.

An act for the benefit of the Clerk of the city Court of Louisville.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the benefit of John B. Whitford, and his securities.

An act increasing the allowance to the Jailor of McCracken county, for keeping runaway slaves.

An act for the benefit of Otho Wilson.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

The said bills being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time the committee reported that they had performed that duty.

After some time a message was received from the Governor, by Mr. Bul-

lock, Secretary of State, announcing that he had approved and signed said bills.

A message was received from the House of Representatives, announcing that they had received official information the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of the heirs of Ruben Sullinger, deceased.

An act allowing additional Justices of the Peace to several counties, and for other purposes.

An act further to provide for the Internal Improvement of the State.

An act in relation to the Frankfort and Paris Fire Companies.

An act for the divorce of Matilda Jones.

An act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county.

An act for the divorce of Nancy T. Sanders.

An act for the divorce of Polly T. Ellison.

An act to legalize certain proceedings of the Morgan County Court.

An act for the benefit of Rector Gore, and others.

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

An act for the benefit of Stephen R. Chenoweth, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act for the benefit of the Sheriffs of Gallatin and Clarke counties.

An act for the benefit of the infant heirs of Edward Hord, deceased.

An act to add a part of Pulaski to Russell county.

Approved Feb. 22, 1839.

An act to amend the act, entitled, an act for the benefit of the heirs of James Allen, deceased.

An act to change the place of voting in the Ruddle's Mill precinct, in Bourbon county.

An act for the benefit of the Orphans of Louisville,

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

Approved Feb. 23, 1839.

The committee of Enrollments reported that they had examined enrolled bills and resolutions which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act providing for the purchase of certain books for the use of the State.

An act for the benefit of B. H. Flowers, of Russell county, and William Gates, of Monroe county.

An act granting a change of venue in the prosecution against James Lynn, Jr.

An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

An act to incorporate the Bowlinggreen Fire, Life and Marine Insurance Company.

An act for the benefit of Ambrose Wickersham.

An act for the appropriation of money.

An act to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland.

An act authorizing the condemnation of land for toll houses.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act for the benefit of the mechanics of Brandenburg.

An act for the benefit of M. J. W. Ambrose and wife.

An act making an appropriation to the Anderson county Seminary.

An act for the divorce of Nancy Lyon.

An act to change the terms of the courts in the second Judicial District, and the terms of the Allen County court.

An act to incorporate the Covington Social Library.

An act for the benefit of John Jarman.

An act to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund, in Wayne county.

An act to authorize the establishment of roads to Coal and Iron Banks.

An act for the divorce of Polly Hurt.

An act for the benefit of William Smith.

An act to amend the charter of the city of Covington.

An act to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act for the benefit of Robert Arberry.

An act to amend the act to establish a System of Common Schools in the State of Kentucky, approved February 16, 1838.

An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

An act to establish a road from Harrodsburg, in Mercer county, to the Delaney's old road, in Anderson county.

An act to amend an act, entitled, an act to incorporate the Adairsville, Russellville and Muddy river Transporting Company.

An act to establish a State road from the town of Paducah to the State line, in a direction to Paris.

An act to incorporate the Munfordsville Polemic and Literary Society.

Resolutions in relation to the communications from the State of Indiana upon the subject of slavery.

Resolutions for a survey of the route of a railroad from Lexington to the mouth of Big Sandy.

Resolutions upon the subject of the culture of silk, &c., in the State of Kentucky.

The said bills and resolutions having been signed by the Speaker of the House of Representatives the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. The committee reported that they had performed that duty.

After a short time a message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed the said bills and resolutions.

On the motion of Mr. Beatty, a message was sent to the House of Representatives informing them that the Senate have finished the Legislative business before them, and are now ready to adjourn.

A message was received from the House of Representatives, announcing that they had finished the Legislative business before them, and are now ready to adjourn; and that they had appointed a committee on their part to wait on the Governor and inform him of the intended adjournment, and to know if he had any further communication to make.

Messrs. Beatty, Guthrie and Watkins were appointed a committee on the part of the Senate.

The Speaker having retired, Mr. Ballinger was called to the Chair, when Mr. Wingate moved the following resolution, viz:

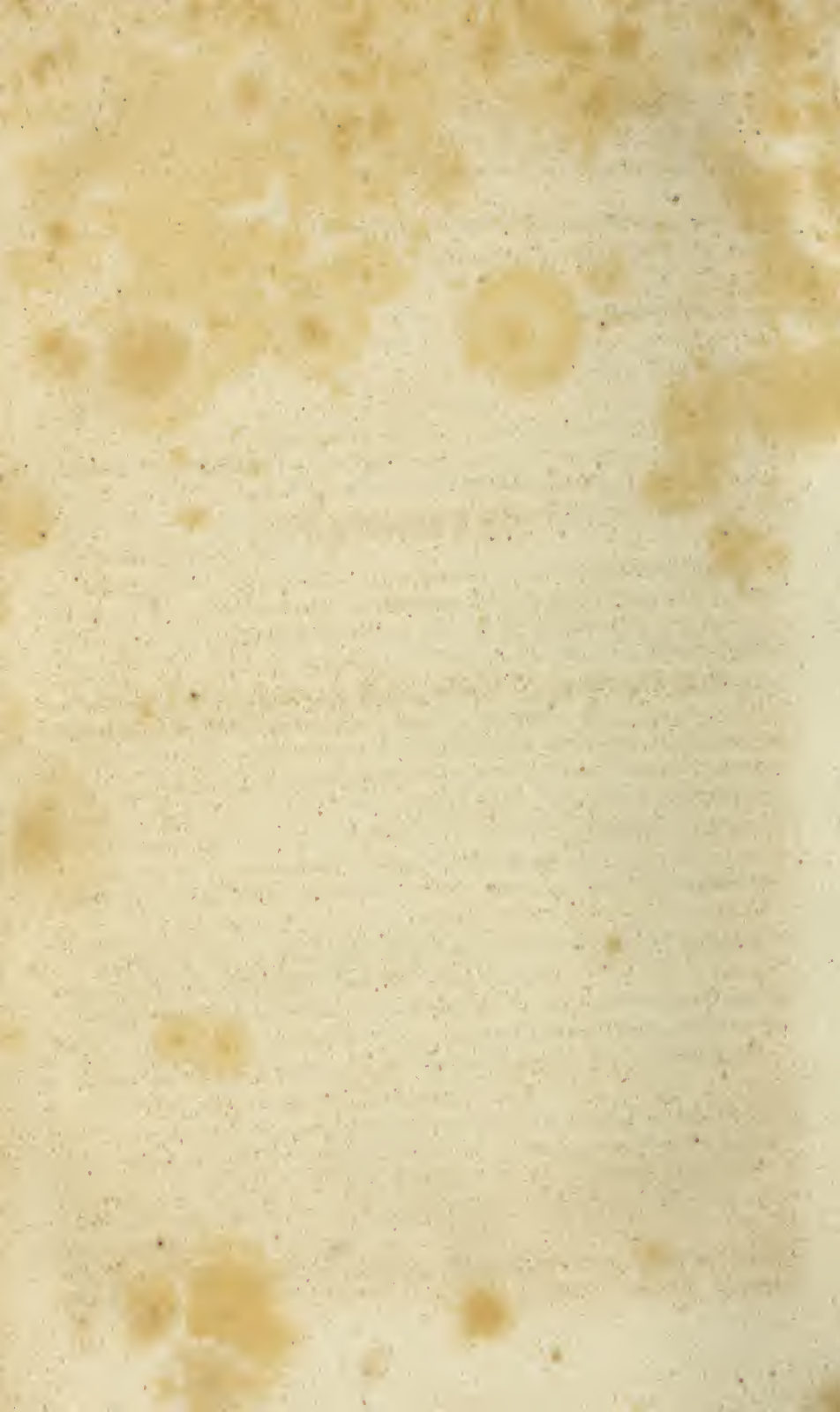
Resolved, That the thanks of the Senate be tendered to the Honorable C. A. Wickliffe for the dignified and impartial manner in which he has discharged the duties of Speaker of the Senate, during the present session.

Which was twice read and unanimously adopted.

The committee, appointed to wait on the Governor, reported that they had performed the duty assigned them, and were informed by the Governor that he had no further communication to make, except his wish that the members may have prosperity through life, and a happy and safe return to the bosom of their families.

The Speaker having delivered an appropriate address, adjourned the Senate without day.





APPENDIX

TO THE

JOURNAL OF THE SENATE.

APPENDIX TO THE SENATE JOURNAL.

DOCUMENTS

ACCOMPANYING THE GOVERNOR'S ANNUAL MESSAGE.

GEORGIA.

EXECUTIVE DEPARTMENT, GEORGIA, }
Milledgeville, 21st August, 1838. }

SIR—In compliance with the request of the Legislature of this State, I transmit to you the copy of resolutions passed at its last session, upon the subject of the refusal of the Executive of the State of Maine to deliver up to the Executive authority of Georgia certain fugitives from its justice; which you are respectfully requested to communicate to the Legislature of your State at its next session.

Very respectfully, yours, &c.

GEORGE R. GILMER.

To His Excellency JAMES CLARK, *Governor of Kentucky.*

HOUSE OF REPRESENTATIVES.

The joint committee, on the state of the Republic, to whom was referred so much of the Governor's message as relates to his correspondence with the Governor of Maine, which correspondence was occasioned by the secret and felonious abduction from the city of Savannah of a negro slave named Atticus, the property of James and Henry Sagurs, by Daniel Philbrook and Edward Kelleran, citizens of the State of Maine, and fugitives from justice, together with the accompanying documents, (to wit,) the affidavit of James Sagurs, one of the owners of said slave, the warrant of the magistrate, and the return of the officer thereon, the consequent demand of the Executive of Georgia upon the Executive of Maine, for the delivery of said fugi-

tives to the agent of the State of Georgia, in order that they might be made amenable to the violated laws of the State, and the refusal of the Governor of Maine to comply with said demand,

REPORT:

That said committee have fully reviewed all the circumstances attending said demand and refusal; that in the opinion of said committee, the Governor of Maine has signally failed to show any good and sufficient cause to justify him in refusing to comply with the just and reasonable demand of the Executive of Georgia—but that, on the contrary, the reply of the Governor of Georgia to the letter of refusal of the Governor of Maine, contains arguments, unanswerable arguments, which should at once have caused that officer, if at all disposed to comply with the requisitions of the Constitution of the United States, by performing the sacred duties which it imposed upon him, or to preserve that courtesy which should ever subsist between the sister States of this Union, upon any and every subject, however trifling it might be in its nature, but more particularly upon questions of such grave import as the one now under consideration, to have caused said fugitives to be arrested, and the necessary notice of such arrest given to the Governor of Georgia, so that they might be made to answer the charges preferred against them—and, if innocent, to vindicate their innocence—if guilty, to endure the just punishment of their crimes.

The refusal of Governor Dunlap, occurring at a period when the minds of the people of the South are justly excited, and their feelings most wantonly outraged, by the machinations of certain fanatics of the North, who seem determined, in defiance of sound policy and the dictates of honest patriotism, and of every principle of natural and constitutional law, to keep up an excitement in relation to a certain species of property, with which no interference from any quarter whatsoever will be permitted—a property guaranteed to them by the Constitution of the United States, and without which guaranty, this Union never would have been formed, appears, in the opinion of your committee, if not like a disposition on the part of the Governor of Maine, to foster and encourage said fanatics in their unholy crusade against Southern rights, and which, if persisted in, must inevitably lead to a speedy dissolution of the Union, at least like an inclination to wink at their proceedings by screening their miserable agents, who alone carry their doctrines into practical effect, by wanton depredations upon our property, from the justice of our laws.

The reasoning of his Excellency of Maine, in his letter of refusal to the demand of the Governor of Georgia, is, in the opinion of your committee, entirely fallacious, and evasive of the true question at issue. The affidavit of the owner of the stolen slave, directly charges, that the fugitives did, “on or about the fourth day of May, eighteen hundred and thirty seven, *feloniously inveigle, steal, take and carry away*, a negro slave; with having, after the commission of said felony, *fled from the State*; and that they were believed at the time to be within the limits of the State of Maine.” Is it for one moment to be presumed that the Governor of the State of Maine was not aware that larceny is made, by the laws of every State in the Union, felony; unless, indeed, it may not so be by those of Maine? That State, indeed, may have, in tender mercy to thieves and incendiaries, declared it otherwise; but this your committee does not and cannot believe. Whether

however felony or not, by the laws of Maine, is it not a crime? It is so declared by the Penal Code of the State of Georgia, which fact was communicated to the Governor of Maine, by the Governor of Georgia. Has, then, the Governor of Maine done that which not only common courtesy, but justice, policy, patriotism, and imperative duty required him to perform? Has he complied with the stern requisitions of the Constitution of the United States, which he was sworn to support and defend? No! But he has disregarded and violated all. The act of Congress, passed February 12th, 1793, "respecting fugitives from justice, and persons escaping from the services of their masters"—an act passed in furtherance of the second section of the fourth Article of the Constitution, which says, "a person charged in any State with treason, *felony*, or *other crime*, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime"—expressly and peremptorily declares, "that whenever the Executive authority of any State in the Union, or of either of the Territories, northwest or south of the river Ohio, shall demand any person as a *fugitive from justice*, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an *affidavit made* before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, *felony*, or *other crime*, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the *duty* of the Executive authority of the State or Territory, to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority, appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear"—and further provides, that "if no such agent shall appear within six months from the time of such arrest, the prisoner may be discharged," &c. Now by referring to the documents hereunto annexed, it will appear, that every requisition of the above recited act was strictly complied with by the Executive of Georgia. But the Governor of Maine, in his anxious desire to find an excuse for not doing his duty, says, so far as he has received any information relative to Philbrook and Kelleran, their visit to Georgia was in the course of their ordinary business as mariners; their vessel being at the South, they navigated it homeward, by the usual route, and in the usual time—they had stated homes to which they openly returned; at those homes they took up their residence, and conducted their affairs there without concealment, and, in all respects, conformably to the usage of innocent and unsuspecting citizens. Whether such a course of conduct is to be a fleeing from justice, within the meaning of the act of Congress, and whether men so conducting are to be viewed as fugitives, may present a question of some importance, which he does not deem it necessary for him to decide. Truly a most wise conclusion. But the Governor of Maine seems to claim it as a matter of right, for him to depend upon information which he received, for refusing to deliver the fugitives—information, perhaps false, against a positive oath. Surely, then, your committee, speaking in behalf of the people of Georgia, if not of the entire South, may be permitted, also, to rely upon information which they have received, for reasons (independent of those already given) why they *should* have been

delivered. The vessel of the fugitives left, it appears, the port of Savannah, in the usual manner; she pursued the usual track, that of the broad ocean, (the only one she could possibly pursue,) to reach her port of destination; she arrived in the usual time, and, as the Governor of Maine *would have us believe*, "they took up their residence" at their *usual homes*. On the other hand, your committee is informed, upon good authority, that when the owner, who went in pursuit of the stolen slave, arrived at the port to which the fugitives fled, to-wit: their *homes*, they themselves could not be found, although their vessel was lying in the port; the slave they did find *concealed in a barn*, and that, when the party who arrested him were about leaving with the recovered property, they were pelted by the populace, and the owner with difficulty escaped from the fury of the mob.

But it is unnecessary to dilate further. All the facts of the case show conclusively, that the Governor of Maine, if not disposed at the time of the demand to comply with it for want of information, that he should have done so on the reception of Governor Schley's second letter. To that letter no reply, so far as your committee is informed, has ever been received. Compelled therefore from all these circumstances to believe, that the constituted authorities of Maine do not mean to comply with the Laws and Constitution of the country, but in total disregard of both, to treat with contempt the just demands of Georgia, all that remains for your committee to perform, is, to suggest the remedy. This is, indeed, a delicate and difficult task. We cannot close our ports against the vessels of Maine. We cannot declare a non-intercourse with her citizens. Either course would be clearly unconstitutional. To seize upon the persons of her citizens, as hostages, or to levy upon their property found in our State, by way of reprisal, would also be unconstitutional; but if not, it would be unjust, because it would be punishing the innocent for the guilty. What then ought to be done? Resort to the *ultima ratio*? This, in the language of Governor Schley, cannot be resorted to, without a violation of the Federal Compact; and long, long may it be before the States of this Union shall be involved in civil conflict. But knowing that this dreadful alternative must inevitably be ultimately resorted to as a matter of self-defence, by the people of the South, in case the unhallowed example of the Governor of Maine, be followed by the authorities of the other States of the North, and willing to prove to the world, by our forbearance, our reverence for the constitution—a forbearance which it is hoped will hereafter insure us justice, your committee, although strongly disposed to recommend the passage of a law imposing a quarantine upon all vessels coming into our waters from the State of Maine, in consequence of viewing the doctrine of abolition as a moral and political pestilence, which if not checked will spread devastation and ruin over the land, at this time simply recommend the adoption of the following resolutions:

Be it therefore unanimously resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the refusal, on the part of the Governor of the State of Maine, to deliver up, or cause to be delivered up, upon the demand of the Governor of this State, Daniel Philbrook and Edward Kellern, who stand charged with the commission of a crime against the laws of this State, and have fled therefrom, is not only *dangerous* to the rights of the people of Georgia, but *clearly and directly in violation* of the *plain letter* of the Constitution of the *United States*, which is in the following words, to-wit: "a person charged in any State with

treason, *felony*, or *other crime*, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

Be it further unanimously resolved, That the State of Georgia, and each of the other members of this Confederacy, by the adoption of the Federal Constitution, became a party thereto, *no less* for the *better* protection of *her own* than the *common rights and interests of all*—and when *these* ends cease to be attained. by the *faithlessness* of any to the *constitntional engagement*, she is no longer *bound by any obligations to the common compact*; and it then becomes not only *her right*, but *her duty*, paramount to *all others*, to seek and provide protection for *her own people in her own way*.

And be it further unanimously resolved, That so soon as a bill of indictment shall be found true, in the Superior Court of Chatham county, against the said Daniel Philbrook and Edward Kellernan, for the offence aforesaid, the Executive of Georgia be requested to make upon the Executive of Maine, a second demand for the persons of the said fugitives, predicated upon said bill of indictment, and accompanied by such evidence as is contemplated by the act of Congress in such cases made and provided.

And be it further unanimously resolved, That should the Executive of Maine refuse to comply with such second demand, the Executive of Georgia be requested to transmit a copy of these resolutions to the Executive of each State in the Union, to be presented to their several Legislatures; and also a copy to the President of the United States, and to our Senators and Representatives in Congress, to be laid before that body. And should the Legislature of Maine, at its session next after the said resolutions shall have been forwarded to the Executive of that State, neglect to redress the grievance herein before set forth, it shall be the duty of the Executive of Georgia to announce the same by proclamation, and call upon the people of the several counties, on a day in said proclamation to be named, to elect, under like restrictions and regulations as in the election of members to the Legislature, a number of Delegates equal to the number of Senators and Representatives to which they may be entitled in the General Assembly, to meet in convention at the seat of Government, on a day to be fixed in said proclamation, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and provide all necessary safeguards for the protection of the rights of her people.

In the House of Representatives, agreed to 22d December, 1837.

JOSEPH DAY,

Speaker of the House of Representatives.

Attest:

JOSEPH STURGIS, *Clerk.*

In Senate, concurred in the 25th December, 1837.

ROBERT M. ECHOLS,

President of the Senate.

Attest:

JOHN T. LAMAR, *Secretary.*

Approved 25th December, 1837.

GEORGE R. GILMER,

Governor.

CONNECTICUT.

REPORT

Of the Joint Select Committee, to whom was referred that part of His Excellency's (the Governor of Connecticut) Message, relating to the increase of the National Executive patronage—as reported to the General Assembly of Connecticut, May Session, 1838.

The joint select committee, to whom was referred that part of his Excellency the Governor's Message, which relates to the increase of the National Executive patronage, have had the same under consideration, and report:—

That although from the pressure of other duties, they have not been able to devote that time to the subject which its importance demands—yet, from a brief and general view of it, which, alone, they have been permitted to take, they are satisfied that a danger exists from this source to our republican institutions, calculated to excite the deepest apprehension. The increase of that patronage, and the effects of it are evinced in various modes: in the increase of revenue and expenditure—the number of officers through whose hands, and into whose pockets it passes—the character and circumstances of their appointments—and the result, in producing a general subserviency to the appointing power.

Within a little more than eight years, the expenses of the General Government have swelled from about thirteen millions, to about thirty three millions of dollars. The *first* sum, alarmed the political economists who opposed the Administration of Mr. Adams, for the safety of the republic.—Their language was *then* of retrenchment—their cry is *now* that of the horse-leech, for more. For the purpose of collecting and disbursing the present enormous sums, it is believed that there has been at least a corresponding increase of officers and agents. The list has been prodigiously enlarged: and when to the catalogue of those who hold appointments *directly* from the Government, in the departments and bureaus at Washington—in the Custom houses—the land offices—the ramifications of the Post office—the Army and Navy, and the embassies abroad—we add the Contractors, Agents, and employees of all kinds—many of whom are connected with the press—who depend *indirectly* upon the Government for their daily bread, it presents, indeed, a formidable host. But the danger existing from the multitude of these placemen, and the immense funds which they are permitted to handle, is perhaps even less, than that arising from the principle of their selection, and the tenure of their office. The avenues to wealth and distinction in this country are so widely open, that the honest, industrious and capable, are, for the most part, too prosperous and too independent to apply for office. It is usually those of another class, who are the most eager for place, and who come up with their clamors, into the very kneading thoughts of the appointing power. The test question respecting an applicant, once was, “is he honest? is he capable?—is he faithful to the Constitution?” Of late years a new and fearful rule has been adopted—a rule at war with the fundamental principles of a free government. The offices

which have hitherto been considered as a *trust* for the benefit of the people, are now declared to be a *spoil*, for the use of a victorious party. And the question of course *now* is—does the applicant follow the camp of the Conqueror? *Other* new and strange principles, have lately been advanced; that public officers, instead of being the agents of the law, are the mere subordinates, the creatures of the President—that this chain of office-holders, from that high functionary down, form especially *the* Government—and that it is the first duty of the Government, to take care of themselves.

The avowal of such doctrines, seems like giving a pledge to corruption; and from the infirmity of human nature, it would be very extraordinary, if the invitation were not readily understood, and eagerly accepted. The avowal of these doctrines has drawn a line and made an issue, between the ruled and the rulers; between the many and the few. And the rights of the few are declared to be paramount. It is believed, that never before in a free country, has a claim so monstrous been asserted. Not more abhorrent to the feelings of freemen, is the doctrine of the divine rights of Kings.

In the celebrated retrenchment report, made by Mr. Benton to the Senate of the United States in 1826, a maxim is quoted from one of the numbers of the Federalist: “that power over a man’s support has always been held and admitted to be power over his will.” This is doubtless true—but under former administrations so seldom and so gently had this power been used, that it was scarcely known; and the will was left comparatively free. It remained for an administration composed of the leading men who made that report, to establish a principle, whose unerring tendency, is to bind the will of all subordinate officers, as with a chain, to the footstool of the Executive.

In the same report, it is said, that the time will come when the nomination by the President, can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress—when the principle of public action will be open and avowed, “the President wants my vote, and I want his patronage; I will vote as he wishes and he will give me the office I wish for. What will this be but the government of one man, and what is the government of one man but a Monarchy?” “Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him.”

Such is the language of this well known report. Is not that which was *then* prophecy, *now* become history, and made so by the seers themselves. There are none so well qualified to prophecy correctly, as those who are about to cause the fulfilment of their own predictions.

The committee have no time nor disposition to detail cases of political subserviency, which the doctrines and the practice of the administration have in reality produced. They refer to the knowledge of the members, and the notoriety of the facts. Are not the most unscrupulous of executive partizans, every where, those who bear the executive mark.

One of the most alarming evidences of danger from Government patronage, is found in the facility with which men of the highest official dignity in their respective States, are seduced by enormous salaries, into inferior, national appointments. Governors of States, Members of Congress, and other public functionaries, may thus be led to scramble for a Clerkship in a Department—a place in the Custom House—or the office of a Postmaster. Political divisions in the States can thus be quieted—rivalries can thus be re-

conciled—opponents can be bought—and partisans rewarded. If a sycophant of the Federal Government is defeated, as the candidate for office in his own State, from a want of confidence in his ability or honesty, on the part of those who know him best, this *rejection* may be made his passport to a far more profitable place under that Government. From an unsuccessful demagogue, he may be converted into a martyr, and receive a martyr's reward.

In the collisions which may occur in Congress, between the interests of the Government and those of the people, separated as they now are, patronage is an almost unlimited fund in the hands of the former, to buy the chosen champions of the latter. A lure may be held out so attractive, as to tempt even an officer presiding over the people's *own* branch, and extensively controlling its deliberations and proceedings, to become an instrument of the Executive.

It is thus that the independence of the State sovereignties is jeopardized, and a consolidated Government, republican in name, but a monarchy in fact, is in danger of being established. Well might the present Chief Magistrate of the Union, *now* take up the lamentation which he once uttered, over the lost rights of the States. At the present time, in the words of that report which has before been referred to, "the Press, with some exceptions—the Post Office—the armed force, and the appointing power, are in the hands of the President, and the President is not in the hands of the People. The President *may*, and in the current of human affairs *will* be, against the people. The arbiters of human fate, must be against them also. This will not do. The possibility of it, must be avoided. The safety of the people is the supreme law, and to ensure that safety, these arbiters of human fate must change position, and take posts on the side of the people."

In conclusion, the committee fully respond to the sentiments of his Excellency's Message, on the danger of National Executive Patronage, and for the purpose of endeavoring as far as possible to check its progress, they recommend the passage of the accompanying resolution, all of which is respectfully submitted:

Per order

E. WOODRUFF, *Chairman.*

STATE OF CONNECTICUT, ss. }
Office of the Secretary of State, June 13th, 1838. }

I hereby certify that the foregoing is a true copy of the original report on file in this office.

In testimony of which, I have hereunto affixed the Public Seal of this State, and my official signature, on the day and date above mentioned.

ROYAL R. HINMAN, *Secretary.*

At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty eight—

Resolved by the Senate and House of Representatives in General Assembly convened, That the Senators and Representatives of this State in the Congress of the United States, be, and they are hereby, requested to endeavor by all just and proper means, to procure the passage by Congress of an amendment to the Constitution of the United States, in the manner prescribed by the provisions thereof, whereby the power of nominating, appointing or removing any officers of the United States, except officers Naval and Military, Embassadors, Public Ministers and Consuls, shall not appertain to the office of President of the United States, but be vested and exercised in some other manner, as may be specified in such amendment or prescribed by law.

Resolved, That his Excellency the Governor is requested to transmit copies hereof to each of the Senators and Representatives aforesaid, and to the Governors of the several States, with a request that the same be communicated to their respective Legislatures.

OFFICE OF THE SECRETARY OF SAID STATE, }
June 13th, 1838.

I hereby certify that the foregoing is a true copy of record in this office, certified by my official signature, and the Public Seal of this State.

ROYAL R. HINMAN, *Secretary.*

EXECUTIVE OFFICE, }
June 13th, A. D. 1838.

In compliance with the above Resolution, I will thank you to communicate the same to the Legislature of your State.

With sentiments of high consideration,

Your humble servant,

W. W. ELLSWORTH.

His Excellency, the GOVERNOR OF KENTUCKY.

Resolutions relating to the disposition of the Public Lands of the United States; at a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, A. D. 1838.

Resolved by this Assembly, That the public lands belonging to the United States are the common property of all the States, and the proceeds of them should be appropriated to their use and benefit, and to no other purpose whatever, without the consent of the States respectively.

Resolved, That this General Assembly do solemnly protest against a cession of any of the public lands to a State in which they may be situated, at a price less than that at which they are offered in market, and also against all pre-emption laws and the grants made under the authority of such laws.

Resolved by this Assembly, That our Senators and Representatives in Congress be requested to use their best endeavors to have the proceeds of the public lands divided among the States severally, as soon as it can with propriety be done.

Resolved, That it is expedient that a portion of the public lands belonging to the United States should be appropriated to the support of education in the original thirteen States of this Union, and that the Senators and Representatives in Congress from this State, be requested to procure the adoption of such a measure.

Resolved by this Assembly, That his Excellency the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, and also to each Executive of the several States, with a request that they may be laid before the Legislatures of their States respectively.

STATE OF CONNECTICUT, *to-wit:* }
Office of the Secretary of State, July 13th, A. D. 1838. }

I hereby certify that the foregoing is a true Copy of Record in this office. In testimony whereof, I have hereunto affixed the Seal of this State, and signed the same officially, at said Office, at the date last above.

Attest,

R. R. HINMAN, *Secretary.*

STATE OF CONNECTICUT, *to-wit:* }
Executive Office, July 13th, 1838. }

To his Excellency,
The Governor of Kentucky:

In accordance with the directions of the late General Assembly of Connecticut, I forward to you the accompanying resolutions, and request that

the same may be communicated to the Legislature of the State over which you preside.

With sentiments of high consideration,

Your humble servant,

W. W. ELLSWORTH.

STATE OF ALABAMA.

EXECUTIVE DEPARTMENT,
Tuscaloosa, February 5th, 1838. }

SIR—Herewith I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Alabama, in favor of the annexation of Texas to the United States of America; with a request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,

I have the honor to be, sir,

Your obed't serv't,

A. P. BAGBY.

His Excellency, the GOVERNOR OF KENTUCKY.

Joint Preamble and Resolutions of the General Assembly of the State of Alabama, in favor of the Annexation of Texas to the United States of America.

The General Assembly of the State of Alabama, have witnessed with feelings of deep mortification, the course pursued by a few citizens of the United States, in opposition to the admission of the Republic of Texas into the Federal Union.

Professing, as we ever have, friendship for civil liberty, and a devotion to the holy cause of freedom, in every clime, it was to have been hoped, that no voice would be heard among us, to rebuke an application from Texas, for admission into this boasted asylum from oppression. Our ports have been ever open to the exile or emigrant from the eastern hemisphere; invitations and inducements have been extended to all whose interest or inclination led them to our shores, and no one has ever thought of denying comfort and protection to all who have fled from tyranny in that quarter and sought succor and shelter beneath the extended wings of our national eagles. By this policy, many of the enslaved, but worthy and magnanimous sons of Ireland, of France, and of Poland, have been enabled to reach our borders, and "re-

deemed, regenerated, and disenthralled," to tread our consecrated soil with the firm and elastic step of conscious freedom. With these glaring facts in view, why, it may be demanded, should we reject an overture for similar privileges, coming from the West? Should the circumstance, that the Texans come not as mendicants at our feet, that they can bring with them their lands and habitations, and correct principles, change our policy? We presume not. It is true that these advantages should not impel us to a course different from what we would adopt, if they did not exist; for whatever may be the magic influence of interest, in ordinary cases, it is admitted that its injunctions should be powerless on the present occasion. But the circumstance is alluded to for the purpose of showing, that although it should weigh but as the dust in the balance, in determining the present question, yet that it should have as little influence against, as in favor of the conclusion to which we arrive. And as far as it can be brought to bear upon the question in a constitutional or political point of view, precedents are not wanting, if justice could require or yield to precedent, which will sustain fully the advocates of the annexation of Texas. We refer to the acquisition of Louisiana, during the administration of Mr. Jefferson, and to the still more recent annexation of Florida, during the administration of Mr. Monroe. The inhabitants of those countries were not admitted into the Union at their own solicitation, but without their formal consent,—they were purchased of their royal and imperial masters with our common treasure, and together with their soil, their religion, their language, their household goods, were brought within the pale of our General Government. How different, in many respects, is the case with the Republic of Texas? Upon the unanimous application of her brave and chivalrous citizens, who may be said to be "bone of our bone and flesh of our flesh," she seeks, "without money and without price" from us, to obtain shelter and protection under the ample folds of our Federal Banner. Is there, in the whole length and breadth of our land, a friend of liberty—a lover of justice—or even a mere philanthropist—who can hesitate for one moment in the decision of this question?

There are some, it is to be apprehended and regretted, who view this subject alone through the dim and deceptive medium of *sectional* party feelings. We cannot consent to be influenced by such sordid and circumscribed motives. And such a view is the more to be deplored, because of its inevitable tendency to blind the honest, to pervert the innate sympathies of their nature for the worst of purposes, and by introducing extraneous matters into an otherwise simple question, to lead the minds of many unsuspecting persons to the contemplation of false issues. For example, many well-meaning, but misinformed females of some of our sister States, whose hearts are thrillingly alive and enthusiastic upon another subject, on false premises, as we know, are induced to believe that the present question is identical with that, and that if Texas should be admitted into the Union, all their hopes in favor of universal emancipation will become, as they really are, the mere waking reveries of their abused or distempered imaginations. But were considerations of expediency to become the only test on this grave and important question, it is not perceived that such a view of the present subject should reverse the policy we propose. Looking to the most exalted aim, in a mere point of expediency, which can possess the bosom of an American patriot and statesman, the preservation through all time of *Constitutional* Union—the only permanent palladium of civil liberty and domestic tran-

quility—the annexation of Texas appears every way desirable to every portion of our country. The solid and everlasting foundation on which our political fathers sought to establish justice, to ensure domestic peace, to form a perfect Union of our States, and to perpetuate the blessings of liberty to themselves and their posterity, was a well regulated balance of governmental and territorial power. Since the formation of the Constitution, the north-east, the north and the north-west, have increased more rapidly in numerical power of states and population, than the south and south-west. It needs but a glance at the map to satisfy the most superficial observer, that an *over-balance* is produced by the extreme north-east, which, as regards territory, would be happily corrected and *counter-balanced* by the annexation of Texas. And when it is recollected too, that the very territory which it is now proposed to acquire, was once within the scope of a just claim of our General Government, extending to the Rio del Norte, and that it was bartered for a mess of porridge by the prime-mover of the present opposition to its re-acquisition, there remains no pretext for a subterfuge, under which the adversaries of annexation can hope to disguise the *covert* designs which, there is much reason to fear, prompted the exchange of our claims in Texas for the unappropriated portions of Florida, consisting mainly of barren sands and poisonous everglades.

It may be apprehended by some, that there is danger, in negotiating with Texas, on this subject, of involving our General Government in a conflict of arms with Mexico. We cannot perceive how it is possible, upon correct principles, that such a result can ensue. And we presume every patriot, who entertains a proper respect for himself and his country, will be ready to exclaim, that however much such a conflict is at all times to be regretted, yet if it should be urged upon us, contrary to the eternal principles of right and justice, let it come! let it come!

But it may not be amiss to examine for a moment, on what foundation such apprehensions repose. Texas is not only independent by declaration, but she is sovereign and independent in substance and in fact; and as far as can be judged from her past history or present condition, and the quiescent course of Mexico towards her for the last twenty months, there exists not the slightest ground to fear, that her independence is not permanent. Is there any substantial reason, then, why we should not treat with the Republic of Texas as a sovereign and independent nation of the earth? Should we delicately consult the mere stubbornness of Mexico in this matter? Must we stand as idle spectators of her froward imitation of Old Spain, in refusing to recognise the independence of her revolted colonies, least she visits upon us the vengeance which she has attempted in vain to inflict upon Texas? If this be a duty of neutrality, then it appears clear, that an equal obligation exists to refrain from any negociation with a revolted colony until the mother country acknowledges her independence. Such a course, however, is contrary to the invariable custom of nations. Indeed, the previous course of our own government, under almost precisely similar circumstances, has been in accordance with the course for which we contend. Before Spain had recognised the independence of Mexico herself, and while the latter was far from settled in the exercise of her assumed sovereignty, a negotiation for the purchase of her territory to the Rio del Norte, was urged upon her through Mr. Clay, then Secretary of State, under the administration of the younger Adams. Where then were the Constitutional objections

to the annexation of Texas? The same policy was pursued and brought almost to consummation, under the administration of President Jackson. Wherefore now such extreme delicacy on the subject of our foreign relations?

But as it is upon the substance of this important subject, that we desire to be distinctly understood at present; therefore,

1. *Be it Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the overture on the part of the Republic of Texas, for annexation to the United States of America, ought to be met by the Federal authorities in the most friendly manner, and should be accepted as soon as it can be done without a violation of our honor as a nation, or any principle of international law.

2. *And be it further Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to urge and sustain the foregoing views on all proper occasions.

3. *And be it further Resolved,* That the Governor of this State be requested to transmit, as early as practicable, a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress; a copy to the Governor of each State of the Union, with a request that it be laid before the Legislature of his State; and a copy to the President of the United States.

J. W. MCCLUNG,

Speaker of the Ho. of Representatives.

JESSE BEENE,

President of the Senate.

STATE OF ARKANSAS.

PREAMBLE AND RESOLUTIONS.

Whereas, Arkansas having been admitted into the Union of the States, upon an equal footing with all the other members of the Confederacy, it becomes her imperious duty to institute such a system of law and policy, as will secure to her a high rank among the other States, and, at the same time insure prosperity to her citizens, and afford them an ample field for laudable enterprise. To effect this, we hold it absolutely necessary that the State of Arkansas should have the entire right to, and the exclusive control over, all the lands claimed by the government of the United States, which are within her borders. We hold it to be evident that the true interest, both of the Federal Government and of Arkansas, is, that the lands should be ceded to the State, upon some fair and equal footing. The influence which necessarily must arise from the disbursements and from the officers absolutely requisite for the disposal of such vast tracts of land, ought of right to be wielded by the State—certainly, it ought not to belong to another government. The exclusive right and possession of the public domain, would give consequence and dignity to the State institutions: it should be hers to say what proportion of land it was necessary for the public convenience to withhold from the

people; she alone should prescribe the terms upon which any citizen might acquire and exercise ownership over the soil. Hence it would result, that the community, regarding the State Government as the paramount controlling power in all domestic concerns, would imbibe a feeling of habitual reverence and respect for its authority, and the laws of the State, the strongest possible inducements could be held out, for an intelligent and permanent class of citizens to emigrate to the State, and identify themselves with its interests and welfare. Such a class constitutes the true wealth of every government. Neither a treasury overflowing with gold, nor a boundless domain of the most fertile soil, is half so desirable. Such a population furnishes the most certain resource for a revenue, and the most valuable defence against danger of every description. The reason which induced the government of the United States to institute the system of selling its lands to the people of the States, having ceased, the policy should also be abandoned. There can be no apology for a government, prosperous and out of debt, to persist in a course calculated to retard the population and improvement of any portion of the nation. There are, in the State of Arkansas, many works of internal improvement which have been commenced by the United States, during the Territorial form of government, which are of the first importance to the country, and which lie in a state of incompleteness and ruin. The State is unable to finish these works, or even to keep them in repair, having no title to the vast tracts of public lands within her borders, nor being able to offer the lands at so reduced a price as to induce their immediate settlement by a population which would afford a sufficient revenue from taxation. If there is in the Union a State to which internal improvement is of more importance than to any other, we are safe in declaring Arkansas to be that one. Our entire western border is inhabited by hordes of savages, who may, at any time, make an irruption upon our settlements, either from revenge or a desire of plunder. We should therefore have every facility of transportation, both by roads and water navigation, which would enable us, with the utmost expedition, to concentrate a force upon our frontier:

Resolved, therefore, That our Senators in Congress be instructed, and our Representatives requested, to give their hearty co-operation and support to a bill introduced at a late session of the Congress of the United States, by the Hon. JOHN C. CALHOUN, for the cession of the public lands, whenever the same shall again be brought before them; and in case it shall not be brought up, then that a similar bill, having the same object in view, shall be introduced by them during the present session of Congress.

Resolved, That we consider the passage of such a bill a matter of vital importance to this State, and that no pains should be spared to effect it.

Resolved, That the Governor furnish the Executives of all the States of this Union with a copy of this preamble and resolutions, and request them to lay the same before their respective Legislatures; and that he furnish each of our Senators and our Representative in Congress with a copy.

GRANDISON D. ROYSTON,

Speaker of the House of Representatives.

SAM. C. ROANE,

President of the Senate.

Approved: February 24, 1838.

J. S. CONWAY.

I, ROBERT A. WATKINS, Secretary of State of the State of Arkansas, do hereby certify the annexed and foregoing Preamble and Resolutions are a true copy from the original, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and the Seal of office, at Little Rock, this 3d day of March, A. D. 1838, and of the American Independence the sixty-second.

R. A. WATKINS, *Secretary of State.*

EXECUTIVE DEPARTMENT, }
Little Rock, Arkansas, March 3d, 1838. }

Sir—Herewith, on the preceding page, I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Arkansas. In compliance therewith, I have to request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,

I have the honor to be, Sir,

Your obedient servant,

J. S. CONWAY.

His Excellency,

THE GOVERNOR OF THE STATE OF KENTUCKY, *Frankfort, Ky.*

STATE OF OHIO.

EXECUTIVE OFFICE, OHIO, }
Columbus, February 24, 1838. }

TO THE GOVERNOR OF KENTUCKY:

In compliance with the request contained in the second Resolution herewith transmitted, I send you a certified copy of Resolutions passed by the General Assembly of Ohio, protesting against the annexation of Texas to these United States.

These resolutions passed the House of Representatives (the whole number of which is seventy-two) by a vote of sixty-four in favor, and none against them; and passed the Senate by a vote of thirty-six (the whole number) for, and none against them.

I have the honor to be

Your obedient servant,

JOSEPH VANCE.

RESOLUTION

In relation to the Annexation of Texas to the Union.

The subject of the annexation of Texas to the United States having been presented to the General Assembly of the State of Ohio, by numerous petitions, and by a report of a committee of one branch of the Legislature, the following resolutions were submitted by said committee for their definite action and concurrence:

Resolved by the General Assembly of the State of Ohio, That in the name and on behalf of the People of the State of Ohio, we do hereby **SOLEMLY PROTEST** against the annexation of Texas to the Union of these United States.

And be it further resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress, and to the Governors of each of the States, a copy of the foregoing Resolution, with a statement of the votes by which it was passed in each branch of the Legislature.

C. ANTHONY,
Speaker of the House of Representatives.

GEORGE J. SMITH,
Speaker of the Senate.

February 23d, 1838.

SECRETARY OF STATE'S OFFICE,
Columbus, Ohio, February 24, 1838. }

I hereby certify the foregoing Resolution to be a true copy of the original roll on file in this department.

CARTER B. HARLAN,
Secretary of State.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,
Augusta, March 1, 1838. }

SIR—In compliance with a request of the Legislature of this State, I herewith transmit to you a copy of "resolves respecting the Franking Privilege," passed at the present session.

I have the honor to be,
With great respect,
Your obedient servant,
EDWARD KENT.

To His Excellency, the GOVERNOR OF KENTUCKY.

RESOLVES RESPECTING THE FRANKING PRIVILEGE.

Resolved, That the Franking Privilege should be extended to the Governors and Secretaries of the several States.

Resolved, That the same privilege should be extended to the members of the several State Legislatures, so far as to transmit within the limits of their respective States, documents printed by order of the Legislatures thereof.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolves to the Governors of the several States, and to each of our Senators and Representatives in Congress.

In the House of Representatives, February 22, 1838.

Read and passed,

ELISHA H. ALLEN, *Speaker*.

In Senate, February 23, 1838.

Read and passed,

N. S. LITTLEFIELD, *President*.

Approved February 24, 1838.

DEWARD KENT.

SECRETARY'S OFFICE, }
Augusta, March 1, 1838. }

A true copy of the original on file.

Attest,

SAMUEL V. BENSON,
Secretary of State.

STATE OF VERMONT

EXECUTIVE DEPARTMENT, }
Montpelier, Nov. 5, 1838. }

SIR—In compliance with a request of the Legislature, I have the honor to enclose the accompanying resolutions, and am,

With great consideration,

Your ob't servant,

S. H. JENISON.

To His Excellency, the GOVERNOR OF KENTUCKY.

Resolved by the Senate and House of Representatives, That the Franking Privilege ought to be extended to the Governors of the several States.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to the Governors of the several States, and also to our Senators and Representatives in Congress.

SECRETARY OF STATE'S OFFICE, }
Montpelier, Nov. 5, 1837. }

I certify that the foregoing are true copies of resolutions passed by the Legislature of this State, October 30, A. D. 1837.

CHAUNCY L. KNAPP,
Secretary of State.

STATE OF KENTUCKY.

MEMBERS OF THE CONVENTION OF 1792.

FAYETTE COUNTY.

Hubbard Taylor,
 Thomas Lewis,
 George S. Smith,
 Robert Fryer,
 James Crawford.

NELSON COUNTY.

William Keen,
 Matthew Walton,
 Cuthbert Harrison,
 ——— Hobbs,
 Andrew Hynes.

JEFFERSON COUNTY.

Richard Taylor,
 John Campbell,
 Alexander S. Bullitt,
 Benjamin Sebastian,
 Robert Brackinridge.

MADISON COUNTY.

Charles Cavender,
 Higgerson Grubbs,
 Thomas Clay,
 Thomas Kennedy,
 Joseph Kennedy.

BOURBON COUNTY.

John Edwards,
 James Garrard,
 James Smith,
 John McKinney,
 Benjamin Harrison.

MERCER COUNTY.

Samuel Taylor,
 Jacob Froman
 George Nicholas,
 David Rice,
 Samuel McDowell.

LINCOLN COUNTY.

Benjamin Logan,
 John Baily,
 Isaac Shelby,
 Benedict Swope,
 William Montgomery.

WOODFORD COUNTY.

John Watkins,
 Richard Young,
 William Steele,
 Caleb Wallace,
 Robert Johnston.

MASON COUNTY.

George Lewis,
 Miles W. Conway,
 Thomas Waring,
 Robert Rankin,
 John Wilson.

REPORT

FROM

The Agent and Keeper of the Penitentiary.

OFFICE KENTUCKY PENITENTIARY, }
Frankfort, December 5, 1838. }

Hon. C. A. WICKLIFFE, *Speaker of the Senate* :

SIR:—I beg leave, through you, to lay before the Senate the following report, showing the condition of the Kentucky Penitentiary, on the 10th November, 1838.

The means of the institution, from all sources, were, at that date, as follows, to-wit:

Account against the Commonwealth for buildings, for cash paid prisoners when discharged, as per law, &c. and for cash paid Commissioners of the Sinking Fund, - - - -	\$18,877 15
Account against Thos. S. Theobald, Agent and Keeper, -	11,280 15
Amount of accounts against sundry individuals, - -	17,459 98
Amount of notes do. do. do. - - - -	4,335 86
Amount of bagging and rope in the hands of commission merchants for sale, of which no account of sales has been rendered, estimated at 18 cents for bagging, and 7 cents for rope, - - - - -	22,040 44
Amount of manufactured articles and raw materials on hand, (estimated value,) - - - - -	14,583 90
Sum total of assets, - - - - -	\$88,577 48

The liabilities of the institution are, as per ledger, at the date aforesaid, as follows, to-wit:

Amount of balances due to sundry individuals for provisions, raw materials, &c. furnished for the use of the institution, - - - - -	6,761 08
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Showing a balance in favor of the institution of - - \$81,816 40

A considerable portion of the bagging and rope estimated above has been sold, and a portion of the proceeds appropriated, which will fully appear in the proper accounts, when the accounts current are rendered by the commission merchants. The net proceeds, however, will not vary much from the above estimate. The foregoing statement of the condition of the institution is made up from a careful examination of its books, and is believed to be accurate. At the last session of the Legislature it was made the duty of

the keeper to have a semi-annual settlement of the accounts of the institution with the Commissioners of the Sinking Fund, and to pay over to them the State's portion of the profits. In order to comply with the provisions of this law, the books of the institution have been for some time in the hands of two gentlemen, selected by the Commissioners of the Sinking Fund, well qualified for that task, for the purpose of a thorough examination of the accounts. These gentlemen have not, as yet, I am informed, completed their examination, but will probably soon do so. The Commissioners of the Sinking Fund, upon an examination of the Commonwealth's account, and the laws under which the charges were made, objected to the payment of about four thousand dollars, as being unauthorized by law; the legality of which was referred to gentlemen, selected by us mutually, who decided against the charge. The propriety of such objection is not apparent to the undersigned, but he feels disposed to acquiesce in the decision of more competent and impartial judges. The amount is therefore deducted from the account of the Commonwealth. I have paid the Commissioners of the Sinking Fund five thousand dollars, in cash, which makes the Commonwealth's account, as stated in the means of the Penitentiary. The remainder of the profits, after deducting the accounts of the Commonwealth and the Keeper, is on hand in the shape of notes and accounts against individuals, and raw materials and manufactured articles, which cannot of course be divided until the money is realized for them.

The following statistics are submitted, believing they will be both interesting and useful to the Legislature:

Number of persons in confinement, as per last report, - - -	114
Number of persons received since, up to 10th November, 1838, -	72
Total, - - - - -	186

DISCHARGED SINCE.

By expiration of sentence, - - - - -	24
By executive pardon, - - - - -	19
By death, - - - - -	2
	45
Leaving in confinement, on the 10th November, 1838, - -	141

CRIMES.

For horse stealing, - - - - -	25
For larceny, - - - - -	48
For robbery, - - - - -	11
For burglary, - - - - -	17
For felony, - - - - -	8
For manslaughter, - - - - -	8
Carried forward, - - - - -	117

	Brought forward,	-	-	-	-	-	-	-	117
For counterfeiting,	-	-	-	-	-	-	-	-	7
For forgery,	-	-	-	-	-	-	-	-	4
For bigamy,	-	-	-	-	-	-	-	-	1
For robbing mail,	-	-	-	-	-	-	-	-	2
For stabbing,	-	-	-	-	-	-	-	-	2
For burning,	-	-	-	-	-	-	-	-	2
For swindling,	-	-	-	-	-	-	-	-	3
For maiming,	-	-	-	-	-	-	-	-	1
For kidnapping,	-	-	-	-	-	-	-	-	2
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COUNTIES SENT FROM.

From Jefferson,	-	-	-	-	-	-	-	-	74
From Fayette,	-	-	-	-	-	-	-	-	6
From Campbell,	-	-	-	-	-	-	-	-	6
From Harrison,	-	-	-	-	-	-	-	-	4
From Laurel,	-	-	-	-	-	-	-	-	3
From Hickman,	-	-	-	-	-	-	-	-	3
From Livingston,	-	-	-	-	-	-	-	-	3
From Franklin,	-	-	-	-	-	-	-	-	2
From Mason,	-	-	-	-	-	-	-	-	2
From Fleming,	-	-	-	-	-	-	-	-	2
From Nicholas,	-	-	-	-	-	-	-	-	2
From Greenup,	-	-	-	-	-	-	-	-	2
From Clay,	-	-	-	-	-	-	-	-	2
From Hancock,	-	-	-	-	-	-	-	-	2
From Pike,	-	-	-	-	-	-	-	-	2
From Scott,	-	-	-	-	-	-	-	-	2
From Breckinridge,	-	-	-	-	-	-	-	-	2
From Russell,	-	-	-	-	-	-	-	-	2
From twenty other counties, one each,	-	-	-	-	-	-	-	-	20
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TERM OF SENTENCE.

For life,	-	-	-	-	-	-	-	-	2
For sixteen years,	-	-	-	-	-	-	-	-	1
For ten years,	-	-	-	-	-	-	-	-	12
For eight years,	-	-	-	-	-	-	-	-	3
For seven years,	-	-	-	-	-	-	-	-	3
For six years,	-	-	-	-	-	-	-	-	10
For five years,	-	-	-	-	-	-	-	-	13
For four years,	-	-	-	-	-	-	-	-	27
For three years,	-	-	-	-	-	-	-	-	25
For two years,	-	-	-	-	-	-	-	-	26
For one year,	-	-	-	-	-	-	-	-	21

141

AGES OF PRISONERS.

Under twenty years of age,	-	-	-	-	-	-	-	14
Between twenty and thirty,	-	-	-	-	-	-	-	80
Between thirty and forty,	-	-	-	-	-	-	-	26
Between forty and fifty,	-	-	-	-	-	-	-	15
Between fifty and sixty,	-	-	-	-	-	-	-	5
Over sixty,	-	-	-	-	-	-	-	1
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THEIR PLACES OF NATIVITY ARE AS FOLLOWS:

Born in Kentucky,	-	-	-	-	-	-	-	37
Born in Virginia,	-	-	-	-	-	-	-	19
Born in Pennsylvania,	-	-	-	-	-	-	-	16
Born in New York,	-	-	-	-	-	-	-	13
Born in Tennessee,	-	-	-	-	-	-	-	6
Born in Massachusetts,	-	-	-	-	-	-	-	5
Born in Ohio,	-	-	-	-	-	-	-	5
Born in South Carolina,	-	-	-	-	-	-	-	3
Born in North Carolina,	-	-	-	-	-	-	-	2
Born in seven other States, one each,	-	-	-	-	-	-	-	7
Born in foreign countries,	-	-	-	-	-	-	-	28
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EDUCATION.

There are prisoners well educated,	-	-	-	-	-	-	4
There are prisoners who can read and write,	-	-	-	-	-	-	104
There are prisoners destitute of education,	-	-	-	-	-	-	33
							<hr/> 141

Of the whole number of convicts now in the prison, fifty seven ascribe their present condition to intemperance; and a much larger number were habitually intemperate, previous to their conviction. Of the number of convicts that have been discharged by Executive pardon, it is proper to remark, that a large portion of them were pardoned a very few days before the expiration of their sentence; the effect of which is, to restore them to the rights of citizens. Of this number, they were generally pardoned upon the application of the keeper, who believed, from strong indications on the part of the prisoners, and a careful observation on his own part, that they were qualified in morals again to enter civil society.

Although we have not been entirely exempt from sickness during the present year; it affords me much satisfaction to say that our suffering has been much less than last year, and I have great confidence that the beneficial results from the exertions of the corporation of the town to improve the health of the citizens, by ditching the flat land above and below the prison, will be as salutary in its effects upon the health of the prisoners as upon the citizens.

I cannot close without remarking that all concerned for the moral improvement and mitigation of the mental sufferings of this wretched and unfortunate portion of our community, are much indebted to the Ministers of the Gospel, of various denominations, who have labored with much zeal in the morning and evening of every Sabbath, and we have reason to hope to the great improvement of many who have professed the religion of the Bible. In conclusion I would observe, that it would give me great pleasure to have every department of the institution, its police as well as its books, thoroughly examined by committees of both Houses of the General Assembly, and to have the members personally to visit the prison frequently, for the purpose of a correct observation of its conduct and government.

All of which is respectfully submitted,

THOS. S. THEOBALD, *Agent & Keeper.*

TREASURER'S ANNUAL REPORT.

STATE OF KENTUCKY,
Treasury Office, December 8, 1838. }

SIR:

You will please lay before the honorable House over which you preside, the inclosed report.

I have the honor to be,

Your obedient servant,

JAMES DAVIDSON, *Treasurer.*

HON. C. A. WICKLIFFE, *Speaker of the Senate:*

No. 1.

A STATEMENT showing the amount of money received by the Treasurer (under their appropriate heads,) from the 11th day of October, 1837, to the 10th day of October, 1838, inclusive, viz:

From non-resident lands, - - - - -	\$1,742 44
From Sheriffs, - - - - -	205,783 62
From clerks of courts, - - - - -	\$32,929 75
From register of the land office, - - - - -	131 76
	<hr/>
	33,061 51
From lands west of Cumberland river, - - - - -	21 10
From the town of Covington, - - - - -	226 75
From the town of Newport, - - - - -	108 00
From the city of Lexington, - - - - -	500 00
From the city of Louisville, - - - - -	3,908 50
Miscellaneous receipts, - - - - -	180 70
	<hr/>
Total amount of ordinary receipts, - - - - -	\$245,532 82
Total amount received from internal improvement scrip funds, - - - - -	467,894 88
Total amount received of the sinking fund, is - - - - -	150,707 55
	<hr/>
Making the total receipts, of every description, amount to the sum of - - - - -	\$864,135 25
	<hr/>

Amount of ordinary receipts as stated above,	-	-	-	\$245,532 82
From which deduct the warrants for ordinary ex-				
penses, as in statement No. 2,	-	-	231,412 17	
Add to this sum the amount due to government				
the 10th of October, 1837—(See session acts of				
1837, page 63,)	-	-	-	11,596 71
				<hr/>
				243,008 88

When deducted from the ordinary receipts, leaves a balance				
in the Treasury, of this fund, the sum of	-	-	-	\$ 2,523 94
				<hr/> <hr/>

INTERNAL IMPROVEMENT SCRIP FUND.

The receipts of this fund, as above stated, amounts				
to only	-	-	-	467,894 88
Add to this sum the balance in the Treasury on				
the 10th of October, 1837,	-	-	-	537,586 24
				<hr/>
Making the whole amount of this fund, with which the Treas-				
urer has been charged, the sum of	-	-	-	1,005,481 12
The amount of warrants drawn on and paid at the Treasury				
of this fund, (as per statement No. 2,) is	-	-	-	1,145,392 37

SINKING FUND.

Amount received of this fund, as above stated, is	150,707 55
Amount of warrants paid on this fund, as per	
statement in No. 2,	- 151,342 03
	<hr/>
Leaves a balance against the commissioners of this fund, the	
sum of	- \$634 48
	<hr/> <hr/>

No. 2.

A STATEMENT showing the amount of warrants drawn on and paid at the Treasury (under their appropriate heads,) from the 11th day of October, 1837, to the 10th day of October, 1838, inclusive, viz:

Criminal prosecutions,	-	-	-	-	-	-	-	\$13,860 98
For the support of Idiots,	-	-	-	-	-	-	-	16,554 76
“ Clerk’s services,	-	-	-	-	-	-	-	9,064 69
To Jailors,	-	-	-	-	-	-	-	9,270 34
“ Attornies for the Commonwealth,	-	-	-	-	-	-	-	4,650 87
For salaries of the Executive and Judicial departments,	-	-	-	-	-	-	-	46,339 17
“ Contingent expenses,	-	-	-	-	-	-	-	4,637 55
“ Executive offices,	-	-	-	-	-	-	-	4,010 31
“ Military expenses,	-	-	-	-	-	-	-	951 01
To Commissioners of tax,	-	-	-	-	-	-	-	16,113 87
To Juries,	-	-	-	-	-	-	-	23,495 69
“ Grand Juries,	-	-	-	-	-	-	-	3,582 69
For slaves executed,	-	-	-	-	-	-	-	2,700 00
“ Distributing the Acts and Journals,	-	-	-	-	-	-	-	609 93
To the Deaf and Dumb Asylum,	-	-	-	-	-	-	-	1,790 66
For Decisions of the Court of Appeals,	-	-	-	-	-	-	-	3,787 50
“ Public communications,	-	-	-	-	-	-	-	969 96
“ Appropriations, December Session, 1832,	-	-	-	-	-	-	-	403 50
“ Appropriations, December Session, 1836,	-	-	-	-	-	-	-	19 50
“ Appropriations, December Session, 1837,	-	-	-	-	-	-	-	31,267 41
“ Legislature, December Session, 1837,	-	-	-	-	-	-	-	34,478 23
“ Sheriffs comparing polls,	-	-	-	-	-	-	-	502 35
“ Sheriffs for revenue,	-	-	-	-	-	-	-	235 99
“ Trustees of the Jury Fund,	-	-	-	-	-	-	-	2,111 09
“ Money refunded,	-	-	-	-	-	-	-	4 12
								<hr/>
Total amount of warrants paid at the Treasury for ordinary expenses,	-	-	-	-	-	-	-	231,412 17
Amount of warrants paid at the Treasury for Internal Improvement scrip funds,	-	-	-	-	-	-	-	1,145,392 37
Amount of warrants paid at the Treasury to the commissioners of the Sinking Fund,	-	-	-	-	-	-	-	151,342 03
								<hr/>
Total amount of warrants of every description paid at the Treasury from the 11th day of October, 1837, to the 10th day of October, 1838,	-	-	-	-	-	-	-	\$1,528,146 57

JAMES DAVIDSON, *Treasurer.*

REPORT
OF THE
AUDITOR OF PUBLIC ACCOUNTS,

FOR THE YEAR ENDING OCTOBER 10, 1838.

STATE OF KENTUCKY,
Auditor's Office, December 12, 1838. }

SIR—In obedience to a resolution which passed the Senate on this day, as follows, to-wit: "Resolved, That the Auditor of Public Accounts be, and he is requested to lay before the Senate his statement of the financial condition of the Commonwealth, which, by law, he is required to report to the General Assembly on the sixth day of each annual stated session: signed Jas. Stonestreet, Cl'k S.," be pleased to lay before the Senate, over which you have the honor to preside, the enclosed statements, to-wit: Nos. 1 and 2, which exhibits the full amount of receipts, from all sources, into the Public Treasury, from the 11th day of October, 1837, to the 10th day of October, 1838, inclusive, and the amount of warrants issued by the Auditor of Public Accounts, under their appropriate heads, for the same period of time. The remaining numbers, completing the Auditor's annual report, will, as soon as practicable, be laid before your honorable body. The unusual press of business, growing out of a variety of causes, familiar to the Senate, during the past year, and particularly that which at present crowd the office, is the only apology I offer for this delay, except the scanty means furnished to employ a sufficient number of clerks to assist in discharging the onerous and still growing duties of this office, of which I took the liberty last session to call your attention—a favorable disposition of the Senate was immediately shown to furnish additional means.

I am, respectfully,

Your most obedient servant,

BEN. SELBY, *Aud. P. Ac'ts.*

Hon. C. A. WICKLIFFE,

Lieutenant Governor and

Speaker of the Senate.

No. 1—RECEIPTS.

YEARS.	Clerks, &c. for Taxes.		Sheriffs, for revenue		Redemption re-sident lands.		Non-resident lands.		Maysville, Was., Paris & Lexington road tolls.	
	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
1837.										
October 11 to 31, -	-	-	451 44	489 98	2 73	142 32	831 12			
November 30, -	-	-	1,403 68	10,537 83	2 72	99 90				
December 31, -	-	-	10,097 60	125,817 51	1 58	305 01				
1838.										
January 31, -	-	-	8,486 71	58,472 33	145 27	151 90				
February 28, -	-	-	1,235 70	1,796 08	16 41	238 51				
March 31, -	-	-	2,069 18	328 00	-	74 42				
April 30, -	-	-	611 59	1,406 09	2 16	130 06				
May 31, -	-	-	964 91	3,349 17	-	244 48				
June 30, -	-	-	1,878 02	-	-	96 96				
July 31, -	-	-	2,594 85	510 66	-	54 89				
August 31, -	-	-	3,226 08	1,597 80	-	27 44				
September 30, -	-	-	41 75	884 17	-	49 71				
October 10, -	-	-	-	594 00	-	126 84				
			33,061 51	205,783 62	170 87	1,742 44	2,088 93			

No. 1—RECEIPTS—Continued.

36

YEARS.	City of Louisville tax.	Old Bank of Kentucky.	Bank of the Com- monwealth of Kentucky.	Tolls—Shelby road.	Tolls, Bardstown and Springfield road.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
1837.					
October 11 to 31, -	-	-	-	-	-
November 30, -	-	-	-	-	-
December 31, -	208 50	5,967 00	12,750 00	162 01	220 37
1838.					
January 31, -	3,700 00	-	-	-	-
February 28, -	-	-	-	-	-
March 31, -	-	-	4,000 00	-	-
April 30, -	-	-	23,930 09	-	-
May 31, -	-	-	-	-	-
June 30, -	-	-	6,000 00	-	-
July 31, -	-	-	-	-	-
August 31, -	-	-	-	-	-
September 30, -	-	-	11,000 00	-	-
October 10, -	-	-	-	-	-
	3,908 50	5,967 00	57,680 09	162 01	220 37

No. 1—RECEIPTS—Continued.

YEARS.	Loaned to B. I. I. by Northern Bank.		Loaned to B. I. I. by Bank of Lou- isville.		City of Lexing- ton tax.		City of Coving- ton tax.		Money returned.	
	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
1837.										
October 11 to 31, -	-	-	-	-	-	-	-	-	-	-
November 30, -	-	-	-	-	-	-	-	-	-	-
December 31, -	-	-	-	-	-	-	-	-	-	-
1838.										
January 31, -	-	-	-	-	-	-	-	-	-	-
February 28, -	-	-	-	-	-	-	-	-	-	-
March 31, -	-	-	-	-	-	-	-	-	-	-
April 30, -	-	-	-	-	-	-	-	-	-	-
May 31, -	-	-	-	-	-	-	-	-	-	-
June 30, -	-	-	-	-	-	-	-	-	-	-
July 31, -	-	-	-	-	-	-	-	-	-	-
August 31, -	-	-	-	-	-	-	-	-	-	-
September 30, -	-	-	-	-	-	-	-	-	-	-
October 10, -	-	-	-	-	-	-	-	-	-	-

No. 1—RECEIPTS—Continued.

YEARS.	Bank of Kentucky tax.	Northern Bank tax.	Part of the sale State bonds for Internal Imp.	Bank of Louisville tax.	City of Newport tax.	TOTAL RECEIPTS.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
1837.						
October 11 to 31,	-	-	-	-	-	1,917 59
November 30,	-	-	-	-	-	13,991 38
December 31,	-	-	-	-	-	155,531 08
1838.						
January 31,	-	-	-	-	-	86,468 71
February 28,	-	-	-	-	-	3,486 70
March 31,	-	-	-	-	-	2,471 60
April 30,	-	-	-	-	-	99,420 06
May 31,	-	-	-	-	-	4,565 66
June 30,	-	-	-	-	-	7,979 81
July 31,	23,213 04	13,754 00	150,000 00	-	-	190,127 44
August 31,	-	-	100,000 00	-	-	104,851 32
September 30,	-	-	150,000 00	5,750 00	-	200,317 15
October 10,	-	-	-	-	108 00	11,936 84
	23,213 04	13,754 00	400,000 00	5,750 00	108 00	883,065 34
For Internal Improvement,	-	-	-	-	467,894 88	
For Sinking Fund,	-	-	-	-	145,707 55	
Common revenue,	-	-	-	-	269,462 91	883,065 34

No. 2—DISBURSEMENTS.

39

YEARS.	Criminal prosecutions.		Clerks' services.		Petit Juries.		Jailors.		Idiots.		Salaries.	
	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
1837.												
October 11 to 31, -	436	45	443	75	218	52	507	62	899	86	1,054	22
November 30, -	502	76	730	41	1,195	32	287	84	1,553	70	662	50
December 31, -	4,926	16	2,829	62	10,155	64	1,166	78	2,598	75	1,550	00
1838.												
January 31, -	2,082	90	1,497	90	7,273	45	717	99	2,031	43	11,311	10
February 28, -	564	70	278	90	943	85	1,853	14	62	50	1,575	00
March 31, -	66	87	414	45	495	34	408	61	400	00	3,636	12
April 30, -	397	74	74	40	224	00	666	87	1,042	50	6,195	32
May 31, -	961	45	407	62	548	00	972	15	2,356	29	1,125	00
June 30, -	562	15	362	75	603	50	412	33	1,517	42	4,844	50
July 31, -	924	22	809	86	924	07	1,079	19	1,262	06	6,180	76
August 31, -	1,435	44	855	35	1,199	00	851	20	1,352	23	218	40
September 30, -	773	05	293	00	313	54	-	-	1,115	52	750	00
October 10, -	66	09	178	12	-	-	45	58	605	00	7,236	25
	13,599	98	9,176	13	24,094	23	8,969	30	16,797	26	46,399	17

No. 2—DISBURSEMENTS—Continued.

40

YEARS.	Attorneys.		Expenses, contingent.		Grand Juries.		Commissioners of tax.		Board of Internal Improvements.		Sinking Fund.	
	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.		Dolls. C s.		Dolls. Cts.		Dolls. Cts.	
1837.												
October 11 to 31,	103	57	34	50	42	00	394	00	278,982	72	5,831	12
November 30,	552	50	180	56	269	00	915	25	28,202	59	1,942	25
December 31,	167	50	1,882	63	1,960	08	3,886	92	-	-	17,099	38
1838.												
January 31,	1,275	00	696	24	926	31	1,416	14	1,000	00	15,000	00
February 28,	196	43	-	-	17	50	83	15	-	-	2,200	00
March 31,	375	00	44	00	6	50	-	-	24,866	68	-	-
April 30,	375	00	213	62	32	00	-	-	16,659	00	5,960	72
May 31,	75	00	-	-	76	00	1,847	50	9,125	03	-	-
June 30,	375	00	228	73	56	50	1,476	00	10,123	00	-	-
July 31,	525	00	224	37	16	00	2,111	50	12,512	29	-	-
August 31,	150	00	793	67	169	00	2,423	75	4,286	87	92,308	56
September 30,	37	41	302	99	-	-	1,406	25	7,433	42	11,000	00
October 10,	443	46	31	74	-	-	145	50	-	-	-	-
	4,650	87	4,633	05	3,570	99	16,105	96	393,191	60	151,342	03

No. 2—DISBURSEMENTS—Continued.

YEARS.	Sheriffs' com. polls.	Military ex- penditures.	Executive of- fices.	Turnpike roads.	App. Decem- ber session, 1832.	Public com- munications.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
1837.						
October 11 to 31, -	11 00	15 00	214 50	44,177 00	358 50	231 39
November 30, -	32 53	68 20	622 72			
December 31, -	223 77	496 75				
1838.						
January 31, -	198 41	81 00	201 98	7,971 00	45 00	112 11
February 28, -	-	18 00	276 45			
March 31, -	-	3 50	574 12	155,562 01	-	105 98
April 30, -	18 20	75 00	61 75	28,186 25		
May 31, -	7 00	-	687 80	18,769 00		
June 30, -	-	76 56	369 75	49,986 00		
July 31, -	-	-	66 41	52,810 00	-	252 34
August 31, -	8 75	94 00	563 36	60,589 00		
September 30, -	10 60	23 00	308 72	67,073 00	-	268 14
October 10, -	-	-	67 25	-		
	510 26	951 01	4,014 81	485,123 26	403 50	969 96

[App. to 2. J.

No. 2—DISBURSEMENTS—Continued.

YEARS.	Kentucky river naviga- tion.	Decisions of Court of Ap- peals.	Green river navigation.	Ken. Institu- tion, Deaf and Dumb.	Lexington and Ohio railroad.	App. Decem- ber session, 1836.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
1837.						
October 11 to 31, -	-	-	-	-	-	-
November 30, -	-	-	-	-	-	-
December 31, -	-	-	-	-	-	-
	6,782 00	1,950 00	20,000 00	482 33	20,000 00	13 50
1838.						
January 31, -	-	-	2,000 00	-	-	-
February 28, -	-	-	-	448 00	-	-
March 31, -	25,014 00	-	15,000 00	-	-	-
April 30, -	3,100 00	-	10,000 00	-	-	-
May 31, -	10,310 00	-	-	441 00	-	-
June 30, -	5,590 00	1,837 50	40,000 00	-	-	-
July 31, -	12,340 00	-	20,000 00	-	-	-
August 31, -	8,985 00	-	-	419 33	-	-
September 30, -	17,519 00	-	40,000 00	-	-	-
October 10, -	-	-	-	-	-	-
	89,640 00	3,787 50	147,000 00	1,790 66	20,000 00	13 50

No. 2.—DISBURSEMENTS—Continued.

YEARS.	Money refunded.	Sheriffs for revenue, 1836.	Sheriffs for revenue, 1837.	Appropriations December ses- sion, 1837.	Legislature, Decr. session, 1837.	Slaves execu- ted.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
1837.						
October 11 to 31, -	-	-	-	27 18	34,253 23	700 00
November 30, -	-	-	-	25,824 56	-	1,000 00
December 31, -	3 00	45 12	-	432 00	225 00	1,000 00
1838.				1,623 50	-	1,000 00
January 31, -	1 12	-	146 82	609 00	-	1,000 00
February 28, -	-	-	5 50	379 75	-	1,000 00
March 31, -	-	-	-	1,633 47	-	2,700 00
April 30, -	-	-	-	791 15	-	
May 31, -	-	-	34 55	-	-	
June 30, -	-	-	-	-	-	
July 31, -	-	-	4 00	-	-	
August 31, -	-	-	-	-	-	
September 30, -	-	-	-	-	-	
October 10, -	-	-	-	-	-	
	4 12	45 12	190 87	31,320 61	34,478 23	2,700 00

No. 2—DISBURSEMENTS—Continued.

4

YEARS.				Trustees' jury fund.	Distributing Acts, &c.	Licking river navigation.	TOTAL ISSUED.
				Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	
1837.				-	-	-	288,974 33
October 11 to 31,	-	-	-	-	-	-	131,291 13
November 30,	-	-	-	-	-	-	49,528 42
December 31,	-	-	-	-	-	-	
1838.				-	-	-	56,013 08
January 31,	-	-	-	-	-	-	68,600 91
February 28,	-	-	-	-	-	-	227,999 20
March 31,	-	-	-	-	-	-	75,046 32
April 30,	-	-	-	34 47	-	-	49,621 48
May 31,	-	-	-	78 64	-	-	119,338 53
June 30,	-	-	-	363 54	139 00	-	113,028 35
July 31,	-	-	-	748 78	241 50	-	89,924 18
August 31,	-	-	-	537 43	154 93	2,200 00	238,242 31
September 30,	-	-	-	262 24	74 50	8,237 51	20,964 27
October 10,	-	-	-	85 99	-	-	
				2,111 09	609 93	10,437 51	1,528,572 51

REPORT

Of the Trustees of Transylvania University, to the Legislature of Kentucky.

In obedience to an Act of the Legislature of Kentucky, concerning Transylvania University, approved 16th February, 1838, the Board of Trustees would respectfully report:

The number of students in the Academical department at this time is thirty—two of whom do not pay.

THE DEBTS OF THE INSTITUTION ARE—

A note to the Northern Bank of Kentucky, - - -	\$652 44
A debt due to A. O. Newton, - - -	200 00
Total, not including some interest due, - - -	<u>\$852 44</u>

INCOME.

Interest on the Morrison Fund of \$20,000, - - -	\$1200 00
Auction duties, about - - -	100 00
Rent of house, occupied lately by Professor Moore, - - -	150 00
Tuition of Students, at \$40 per annum, - - -	1120 00
Total income, - - -	<u>\$2,570 00</u>

EXPENSES.

Insurance on Morrison College, - - -	\$112 50
Fuel (about) - - -	80 00
Wages of Janitor, - - -	100 00
Salaries of two Professors (so arranged as to equal the interest on the Morrison fund and tuition fees, after deducting insurance, fuel, and Janitor's wages,) - - -	2,177 50
Incidental expenses, repairs, &c., about - - -	50 00
	<u>\$2,520 00</u>

PROPERTY OF THE INSTITUTION.

Morrison Fund, - - -	\$20,000 00
Nineteen acres of ground in the city of Lexington, including the buildings of Morrison College, &c. &c., - - -	70,000 00
Library and Philosophical Apparatus, - - -	5,000 00
Frankfort Bridge stock—twenty shares estimated at - - -	500 00
A balance from Morrison's estate, but uncertain, - - -	
	<u>\$95,500 00</u>

All the debts above mentioned were created by the old Board of Trustees; and the present Board have, since their appointment, paid the sum of \$675 of those debts. The Board herewith transmits the report of its committee, appointed to act as its organ, in corresponding with the presidents of the principal Universities, on the proper mode of organizing and managing the Institution.

All of which, is respectfully aubmitted,
M. C. JOHNSON, *Chairman, pro tem.*

The committee appointed to act as the organ of the Board of Trustees, in the execution of a part of the duties imposed upon them, by the third section of an Act concerning Transylvania University, approved February 16th, 1838, would respectfully report:

That they have addressed letters to the Presidents of most of the principal Colleges and Universities in the United States, from many of whom, in due time, they received full and substantial replies, accompanied with volumes, containing the Laws and Regulations of the Institutions over which they preside.

The circumstances of these institutions are very different from those in which Transylvania is placed. Some were founded at an early period of American History, and now, sustained by the Patriots and Statesmen whom they have educated, repose securely upon the universal confidence and veneration of the people. While others, having the enjoyment of ample means, are thus enabled to return to the States, by which they were endowed, a rich harvest of cultivated intellect.

Transylvania has, at times, received the fostering care of the Legislature; and more than once, when it was contemplated to form a system of Common Schools for Kentucky, public attention has been turned to the State Institution as the legitimate source from which the streams of learning and education should flow. But as yet, no permanent endowment and organization has been made; and the appropriations in land and money have been small and unproductive, and were only intended for the immediate exigencies of the Institution. Such, however, has been the happy effect of these timely supplies, that she has been able to communicate instruction to a very large number of Law and Medical Students; and her graduates are returning to the State, by their labors in the various avocations of life, the rewards of a wise, though too frugal Legislation.

The Report of the Board will show the present situation of the University. The Academical Department is chiefly sustained, at present, by the legacy to the Institution received from the late Col. James Morrison. The department simply consists of two Professorships, to-wit: of Languages and Mathematics. If organized as a State University, the propriety of adding four additional Professorships cannot be questioned, viz: A Professorship of Moral and Mental Philosophy, over which the President should preside in person: a professorship of Chemistry, including Mineralogy, besides a course of instruction by Lecture and otherwise, in the science of Agriculture and Mining: a professorship of Civil Engineering, to include, besides

the usual branches, Right Line Drawing, Architecture, and Shades, Shadows and Perspective: and a professorship of Natural Philosophy.

To institute these professorships, and fill them with competent men, would require an endowment, yielding, annually, five thousand dollars; and with that sum. it is believed the Institution could be conducted with perfect success. If made, it should be in the form of a permanent and unalienable fund, which would answer the double purpose of securing the endowment from misapplication and loss, and of attracting, by a regular and certain income, the best talents of the country into the service of the University.

They would also suggest the appropriation of \$15,000 00 for building a refectory and dormitories. The better regulation and discipline of the whole University, and the great object of rendering education accessible by making it cheap, all of which will be greatly promoted by the erection of these edifices, will at once prove the necessity of their establishment. The rent of rooms will yield a fair income from the investment.

These appropriations will call into activity the now dormant capital which the State has in the Institution. And as a compensation for which, the Trustees might be required to educate a number of poor young men, selected, say, one from each Senatorial District, by the Senator and Representatives of each District, or in such manner as the Legislature should prescribe, who, in turn, might be required to teach a specified term of years in the Common Schools of the District.

The committee, from as careful a consideration as they could give the subject, and from comparison with other Universities similarly situated, have come to the conclusion that the ultimate control and government of the University, should be vested in a large Board of Trustees. The committee would recommend that the number should be twenty five, consisting of the Governor and Lieutenant Governor, *ex officio*, and twenty three other citizens taken from different sections of the State, and appointed, biennially, by the Governor, with the advice and consent of the Senate; one half the board to reside within forty miles of Lexington, that a quorum might be obtained when necessity should require it. The Board to meet once a year, and supervise, examine and report to the Legislature, upon the condition, wants and prospects of the University. They should be authorized to appoint an Executive Committee, to meet, monthly, consisting of five members, who should be vested with the control of the Institution, subject to the revisal and direction of the Board when in session.

Should it, however, be deemed inexpedient, by the Legislature, so to endow the University, as to place it on a respectable footing as a State Institution, it is believed that a Board of Trustees, organized as at present, can best conduct the Institution in its limited sphere.

All of which is respectfully submitted.

HENRY CLAY, Jr., }
M. C. JOHNSON, } *Committee.*

REPORT
OF
THE BOARD OF INTERNAL IMPROVEMENT
OF THE
STATE OF KENTUCKY.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
Frankfort, 13th December, 1838. }

To the Hon. CHARLES A. WICKLIFFE,

Speaker of the Senate:

SIR—I have the honor to transmit through you, to the House of Representatives, the annual Report of the Board of Internal Improvement, with the accompanying documents.

With great respect, &c.,

JAS. T. MOREHEAD.

To the General Assembly of the Commonwealth of Kentucky:

The Board of Internal Improvement respectfully submits to the Legislature, the following report of their operations during the past year:

Before proceeding to the detail of those operations, the Board would call the legislative attention to their financial concerns since the last annual report. At the time of that report, the amount of money under the control of the Board, was \$159,818 42. On the 15th February last, about the period of the adjournment of the last General Assembly, the provision made by law for Internal Improvement, was so nearly exhausted, as to amount to the sum of \$23,688. Early in the spring, an agent was dispatched by his Excellency, the Governor, to the Eastern cities, to put the Scrip of the State into market, which was authorized to be sold by the act of the last Legislature. It was known that the money markets of the East were affected by the pressure that pervaded every part of the United States, and well founded fears were entertained that the effort to dispose of the State securities would be abortive. It is due to the gentleman, to whom the agency was entrusted, and on whom, at a crisis of peculiar embarrassment, the respon-

sibility devolved, of sustaining the whole policy of the State in respect to Internal Improvement, to say, that the trust was, in every respect, fulfilled, and the sale of the bonds made, which, while the terms were highly creditable to himself, was of the utmost moment to the public interests.

About the last of April or first of May, when the present President of the Board came into office, the amount of funds under the control of the Board having been reduced to a sum so small as to be unavailable for any beneficial purpose, he proceeded forthwith to Lexington and Louisville, with the approbation of the Governor, whom the law had appointed as his adviser, to negotiate with the Banks for temporary loans, and with their characteristic liberality, they advanced to the Commonwealth the aggregate sum of \$200,000—the Bank of Kentucky, the sum of \$125,000; the Bank of Louisville, \$25,000; and the Northern Bank, \$50,000. With the facilities thus afforded, the Board was enabled to prosecute the public works, without any material disparagement to the public interests: except that attributable to the causes first enumerated, and that fears being entertained that the negotiation for the sale of the bonds might not be as successful as the result proved it to have been, the Board refrained from urging the contractors to such an increase of their force at the various works on the rivers, as would have conduced, if that expedient had been resorted to, to a greater progress during the season. Superadded to these causes, the frequent freshets during the spring season, and the consequent continuance of high water until the approach of mid-summer, checked the vigorous prosecution of the works up to that period. The sale of the Scrip, however, infused fresh spirit and energy into the whole system of operations throughout the State, and a more propitious season ensuing, which has continued, with slight interruptions, to the present time, the works have been prosecuted with commendable diligence, and such progress has been made on the larger portion of them, as to leave no reasonable doubt, if the next season shall prove ordinarily favorable, and a suitable force is employed by the several contractors, that all the locks and dams on the Green, Barren and Kentucky rivers, except number one on Green, and number one on the Kentucky river, will be finished for use before the expiration of another year. The last mentioned locks and dams, being located near the confluence of those rivers, respectively with the Ohio, are liable to be retarded by the freshets from above, as well as by the inundations of the latter river, and may be expected to advance with less rapidity than the others. The delay in their completion, however, is the less to be regretted, inasmuch as for the greater portion of the year, in consequence of the depth of water where they are situated, the navigation will not be subjected to the impediments which occur on the rivers above them.

The aggregate sum expended on the several works on the Kentucky river, from the 20th of November, 1837, to the end of the fiscal year, on the 10th October, 1838, was \$108,103 92. When the locks and dams now in progress on the Kentucky, Licking, Green and Barren rivers are completed, there will be, opened for steam vessels, a navigation of three hundred and twenty one miles. The accompanying report of the Chief Engineer, contains a full and satisfactory detail of the work done at the several locks and dams under contract on those rivers respectively, and the expenditures on each.

The operations on the Licking river have been delayed by the occurrence of interruptions entirely beyond the power of the Board to control. In Oc-

tober, of the last year, five locks and dams were put under contract on that river, and the work was to be commenced in the ensuing January. Calculations were made, at the time of the lettings, that from the quarries adjacent to the three upper lock sites, sufficient stone could be obtained for building the locks. The contractors on the two lower locks, made provision for procuring stone in the State of Ohio; quarries were accordingly opened near Portsmouth, in that State, and the necessary arrangements were made for a vigorous prosecution of the works. After a careful and thorough examination of the quarries in the neighborhood of the lock sites, the contractors for numbers three, four, and five, failed to obtain stone of a size and quality suitable for the construction of the lock walls. The consequence was, that the contractor at number four, abandoned his contract, and the work was re-let without delay, the specifications having been so modified as to allow the use of smaller stone, and the face stones to be brought, as at the two lower locks, from the Ohio river. The Board are inclined to believe that the proper material for building cannot conveniently be procured in the vicinity of the three upper locks.

The death of the contractor for number five, which occurred in August, terminated his engagement. Anxious that no delay should ensue from that event, which could be possibly avoided, the Board forthwith directed the Chief Engineer to re-let the work. Proposals were accordingly offered and accepted; but the bidder eventually declined the contract and it was not consummated. Proposals were a second time invited, but no contract has yet been made, although the Board are now engaged in an effort to close one on terms which have been proposed, and are under advertisement.

The works at number one and two, have been retarded by the unusual low water of the Ohio river: the contractors having been thereby prevented from the transportation of stone to the locks, but there has been no want of energy and zeal on the part of the contractors, and those works are in a favorable state of forwardness. The amount of work done upon the Licking, from the 20th Nov., 1837, to the 10th of October, 1838, is \$11,236 89.

In the early part of August, the Board determined to visit, in person, the works on Green river, and appointed a meeting at Bowlinggreen on the 20th day of that month. The meeting was held accordingly, and much important business transacted, connected with the improvements in the Southern part of the State. From Bowlinggreen, they proceeded by land to visit the public works along the whole line of Green and Barren rivers, to lock number two, at the falls of Vienna. They were thus enabled to examine, in the most satisfactory manner, the condition of those works, and were gratified to find one of them completed—another nearly so, and, the remainder, except number one, in good progress.

Within the last month, the locks and dams, number two and three, on Green river, have been finished, so far as to be ready for use, and there are now, on that river, eighty four miles of continuous slack water, adapted to steam navigation. While at Rumsey, the Board appointed a lock keeper, and established a temporary rate of tolls, suitable, in their opinion, to the existing exigencies of the navigation.

The report of the President of the Board of Green river commissioners, is herewith transmitted: exhibiting a satisfactory account of the operations on that river and Barren, during the year. In the course of the ensuing

season, it is confidently believed that all the works to complete that line of navigation, will be finished—with the exception of the lower lock, which, in the opinion of the President of that Board, may possibly be finished also. The amount paid during the year on those rivers, is \$168,680 25: and the total amount to the 10th October last, \$411,874 15. Average cost of the improvement per mile now completed—a distance of eighty four miles, \$1,787.

By the ninth section of the act of 1835, for the Internal Improvement of the State, it was made the duty of the Board, “to put under contract, during the present year, the necessary works for the improvement of the navigation of the Cumberland river, from the point designated by the Engineer who last surveyed the river to the Tennessee line, and to cause to be expended the money heretofore appropriated for the improvement of the same, or so much thereof as will be sufficient to remove the obstructions to a safe and convenient descending navigation.”

At their meeting in May last, the Board undertook to carry the requisitions of the act into effect. The first step which was taken, was to solicit proposals for the construction of wing dams and other necessary work at Smith's Shoals, that being the mode of improvement recommended by the Engineer who made the survey mentioned in the act, and to which, it was presumed by the Board, the Legislature intended the appropriation to be applied.—Proposals were received—but the bids were so high, and exceeded so far the value of the work to be done, that the Board declined accepting them; and by a subsequent order, an assistant Engineer was dispatched on that service, with directions to commence the work as soon as practicable, and it was placed under his superintendence. The improvements consist of the removal of loose rocks, and such others as projected above the ordinary bed of the river in the boat channel, and the construction of two wing dams of timber and stone, about eighteen feet wide on the bottom, with an average height of about five feet four inches—one of them, five hundred and forty seven, and the other, five hundred and eighty seven feet long. The natural channel of the river, being about seven hundred feet wide, has been reduced to the width of about three hundred feet. The cost of the work done, up to December 1st, amounts to \$3,199 69, including all expenses except superintendence.

The approach of the winter, and an apprehension that if the works yet to be done were left unfinished until the spring, they might be endangered by the floods, induced the Board to suspend any further operations for the season.

But regarding the valuable resources of the Cumberland river, and the great importance of its navigation to the people whose access to market depends upon it, the solicitudes of the Board will prompt them to apply the means provided for that purpose, with all practicable dispatch to the completion of the improvement from the mouth of Laurel to the Tennessee line, and it is the opinion of the Chief Engineer that it can be done in another year.

A difference of opinion exists, as the Board are informed, as to the amount of money authorized by the law to be expended toward effectuating the improvements just spoken of; and inasmuch as the cost of the work yet necessary to be done is estimated at \$20,000, the Board recommend to the Legislature the propriety of a declaratory law, by which any misconstruction

may be obviated, and the intention of the act of the last session clearly expressed.

The attention of the Board was called, during the summer, to the improvement of the descending navigation of Goose creek and the South fork of the Kentucky River. The value of the resources in the region of country embraced by those streams, induced the Legislature, at its last session, to appropriate the sum of \$6000 to improve their navigation. The policy, pursued in the first instance on the Cumberland, of inviting bids for the work, was again resorted to, but with a like result, that the prices offered were too high, and the bids were declined. The Board then appointed two gentlemen of intelligence and respectability as commissioners or superintendents, and personally interested in the success of the improvements, with authority to employ the necessary force to accomplish the objects of the law. The sum expended, at the date of the report of the superintendents, amounted to \$2,171 69; and boats are now enabled to descend in greater safety and at a lower tide. Much benefit is anticipated from the expenditures of the whole sum appropriated, and the Board are of opinion, that it is due to the extensive commercial interests to be affected by the ameliorations, that they should be carried on and completed: which can be done next year.

On the occasion of the visit of the Board to the Green river works, they took measures to carry into effect, the several provisions made by law for the improvement of the descending navigation of Rough creek, Pond river and Muddy river. The improvements are to consist of removing snags and stooping timber, and other obstructions to the descent of those streams by flat boats, and it is believed will materially aid their navigation. Contracts were made, in the usual manner, for the work on the two former, and the latter was placed under the superintendence of a gentleman of experience and observation, in whose judgment and efficiency great confidence is reposed.

Examinations, as required by law, were at the same time directed to be made of Nolin, Bear and Caney creeks, preliminary to the further action of the Board in reference to them.

In the details of the various surveys which have been executed during the past year, the attention of the Legislature is solicited to the report of the Chief Engineer.

Before passing on to another branch of this report, the Board would respectfully suggest the propriety of a law, providing that the acts of each session for Internal Improvement purposes, should be classed and published under one head. Instances have occurred, and may again occur, in which the provisions of special laws have passed unexecuted, because they were not observed by the Board. The law suggested, would alleviate the responsibility of the members of the Board, and at the same time insure attention to the diversified and important interests entrusted to their care, without any hazard of being overlooked.

TURNPIKE ROADS. No subscriptions have been made, during the year, to turnpike roads, except those heretofore commenced. The conditions on which subscriptions made by the Board, during the last year, depended, were removed in the spring, and the payments to turnpike roads have been confined to those which, at the time of the last annual report of the Board, were in the progress of construction.

It would be gratifying to the Board, to be able to report, specifically, the whole length, in miles, of road completed, and under contract in the State. The report of the Chief Engineer will show that fact as nearly as his means of information allow. Yet, for want of reports from the several turnpike companies in the State, exactness cannot be obtained. It is made the duty of those companies to report to the Board of Internal Improvement, from time to time, such information in relation to their respective roads as the Board may require: and although the Board prepared and directed circulars to the Presidents of the several companies, asking information on points connected with their condition and progress, the information has not been obtained to the extent desired, and some of them have failed to answer.

The whole amount paid to turnpike companies on the part of the Commonwealth, from the 20th November, 1837, to the 10th October, 1838, both days inclusive, is \$422,237 48. In this sum, is included payments to those roads which are constructing solely at the charge of the State, without the aid of individual capital.

The whole amount paid to other objects, including the rivers, the Lexington and Ohio Railroad, Hydraulic lime, and payments on all other accounts, is \$430,284 42.

The aggregate disbursements by the Board from the 20th November, 1837, to the 10th October, 1838, amounted to \$852,521 90; for the details of which, reference is made to the statement A, accompanying this report.

The aggregate amount authorized to be expended by the law of the last session for Internal Improvement, is \$1,250,000.

By the fifteenth section of the same act, it was made the duty of the Board to cause an estimate to be made of the surplus water "at each lock and dam now under contract on Green, Barren, Kentucky and Licking rivers, and to make out an estimate of the annual rent for which it should be let, by the Commonwealth, when the locks and dams are finished, and report the same to the Legislature." The estimate will be made and reported, as the law requires, as soon as the Board receives some information from other States which they have directed to be obtained.

In the mean time, the Board deem it proper to observe that, to that subject, regarding it as one of the utmost importance in view of the profits of the projected improvement of the rivers, their attention has been directed in an especial manner. The immense value of the water power with which the State will be furnished on the completion of the public works on the principal rivers, not only as a source of perpetual, annual revenue, but as a means, also, of enlarging her capacity for manufactures, and creating demands for all kinds of raw material adapted to manufacturing purposes, cannot, in the opinion of the Board, be too highly estimated. Few States in the American Union will then exceed Kentucky in the extent of that capacity; none, it is believed, in the efficacious application of it to all the purposes of wealth and greatness. The locks and dams, when finished to the extent of the surveys which have been made on the large rivers of the State, will probably amount to the number of fifty five. When we consider the advancement which the country is now making in wealth and population—the boundless developments which will take place, of all those resources which constitute the strength and wealth of a Commonwealth, some estimate may be made of the immense value of the mechanical power which will be created by the improvements in progress and in prospect.

When the Board met at Rumsey, they directed the principal Engineer, by an advertisement in the public prints, to invite proposals for the lease of the water power at locks number two and three, on Green river—the works at those points being then almost completed. Various bids were received and submitted to the Board at their meeting in Frankfort, on the 3d of the present month. They have accepted bids for the lease of eight powers, at lock number three, at an average annual rent of \$110 for thirty years: and several other proposals were offered, which, it was deemed by the Board, most advisable to decline. On the terms which have been accepted, and for which, contracts will be forthwith prepared and executed, even if there should be no advance in future, there will be water power at the same lock, adequate, without doubt, to yield an annual revenue of \$6000 to the State. If the other works now under contract on Green and Barren rivers, will produce the same extent of power, the water which can be employed, without detriment to the navigation, if put into use, will yield an annual revenue of not less than \$20,000. Let these results be applied to the Kentucky and the Licking, and the upper Green river, and a basis is presented for a satisfactory estimate of the value of the whole water power which will belong to, and can be disposed of by the State, when the improvements in the navigation of those streams are consummated. The Board withhold, for the present, any further consideration of this subject. The necessary estimates, in detail, will be submitted in a specific report, to your Honorable body, as directed by the act before referred to.*

Having made those suggestions relative to the value of the water power, the Board ask the attention of the Legislature, to some estimates bearing on the probable profits of the Slackwater Improvements; and they propose to show that those profits will pay the annual interest on the debt created for the construction of the works, and in the progress of a few years, will so far increase as to constitute an annual fund which will be sufficient to pay the principal, when the debts become due. They take the Kentucky river navigation as the basis of the estimates, only because they are more familiar with its resources and commerce. Similar estimates may be made applicable to the other rivers with the same result.

Calculations founded on satisfactory data, justify the Board, as they believe, in the assumption that the coal of the Kentucky river can and will be delivered, not only along the whole line of navigation, but at the city of Louisville, for ten cents per bushel, or less: and yield to the coal merchant an adequate profit for his labor employed and capital invested. If the Kentucky coal merchants can go into the market in successful competition

* Since this report was prepared and submitted to the Legislature, the Board has received proposals for the lease of water power on the Kentucky river, when the locks and dams shall be completed. They will be retained for consideration; but, in the mean time, it is deemed proper that the Legislature should be made acquainted with the terms proposed. For the present, it is only necessary to remark, that the bidders, who are gentlemen of the highest respectability, propose to lease eight powers for the sum of \$300 per annum, for each power, (to propel one pair 4½ feet mill stones,) for thirty years; amounting, in the whole, to \$2,400 per annum—equal to \$72,000 for thirty years, exclusive of interest on the annual sums.

with those of the Ohio river, the Board will suppose that the Kentucky river will supply—

Louisville, with tons of coal, - - - - -	40,000
Lexington, - - - - -	10,000
Frankfort, - - - - -	4,000
Other counties and towns on the river, - - - - -	15,000
A depot at the confluence of the Kentucky with the Ohio, for the supply of steamboats, ascending and descending, -	10,000
Madison, Indiana, - - - - -	5,000
	<hr/>
Tons, - - - - -	84,000
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Tolls, at the rate of one dollar per ton, for the average distance, equal to about four mills per ton per mile, will produce on the quantity of coal sold, as above, - - -	\$84,000 00
Ascending freight, average for the whole distance, 10,000 tons, at \$2 per ton, - - - - -	20,000 00
Descending freight, average for the whole distance, 20,000 tons, at \$1, - - - - -	20,000 00
Probable amount from all other sources of transportation, -	30,000 00
	<hr/>
	\$154,000 00

If to this be added the probable amount to be derived from waterpower on the Kentucky—seventeen locks and dams, averaging forty powers at each, and supposing one half to be used at a yearly rent (each) of \$125—the result will be, 340 powers, at seventeen locks, equal, per annum, to -

Total profits, - - - - - \$196,500 00

The cost of the Kentucky river navigation, when completed, 2,300,000 00

Interest on that sum, at six per cent. per annum, - - 138,000 00

Excess of profits over annual interest, - - - - 58,500 00

Deduct for toll-keepers, and all other expenses, annually, - 20,500 00

Remaining, - - - - - 38,000 00

This sum, with its annual interest, if carried to the Sinking fund, and well managed, will, in 30 years, produce the sum of, - - - - - \$3,043,740 00

The preceding estimates may not be exact. Some will, without doubt, prove to be erroneous, and all of them may seem to be extravagant. But, according to the experience of other States, the above aggregate result will most probably fall short of what will be realized. Indeed the strong probability is, that in the course of several, say from ten to fifteen years, the profits of the navigation will tend rapidly to duplication; and in support of that probability, the Board exhibit the ensuing tabular statements which explain themselves.

Abstract of the Boats that have passed, and Tolls received on the Loaisville and Portland Canal, from 1831 to 1837.

YEAR.				Steamboats.	Flat & keel boats.	Tons.	Am't rec'd for tolls.
				No.	No.	No.	Dolls. Cts.
1831,	-	-	-	406	421	76,323	12,750 77
1832,	-	-	-	453	179	70,109	25,756 12
1833,	-	-	-	875	710	169,885	60,736 92
1834,	-	-	-	938	623	162,000	61,848 17
1835,	-	-	-	1,256	355	200,413	80,165 24
1836,	-	-	-	1,182	260	182,220	88,343 23
1837,	-	-	-	1,501	165	242,374	145,424 69
				6,611	2,713	1,103,324	475,025 14

Statement of Tolls collected upon the State Canals of New York, Pennsylvania, Ohio, and upon the Schuylkill Navigation in Pennsylvania, from 1818 to 1837.

YEARS.	New York.	Pennsylvania.	Ohio.	Schuylkill Nav.
1818,	-	-	-	\$ 233
1819,	-	-	-	1,203
1820,	\$ 5,437	-	-	803
1821,	14,388	-	-	1,792
1822,	64,072	-	-	1,054
1823,	152,958	-	-	1,964
1824,	340,761	-	-	635
1825,	566,112	-	-	15,775
1826,	762,003	-	-	43,108
1827,	859,058	-	-	58,149
1828,	838,444	-	-	87,171
1829,	813,137	-	-	120,039
1830,	1,056,922	\$ 27,012	-	148,165
1831,	1,223,801	38,241	-	134,005
1832,	1,229,483	56,909	-	264,829
1833,	1,463,715	151,419	\$ 181,954	325,486
1834,	1,339,799	309,789	210,018	299,841
1835,	1,548,972	684,357	232,894	433,643
1836,	1,614,680	837,805	257,925	522,633
1837,	1,293,129	975,350	-	604,189

The quantity of Anthracite Coal mined in Pennsylvania, and carried to market, in each year, from 1820 to 1837, is as follows :

YEARS.	Lehigh Coal carried to market.	Schuylkill Coal carried to mar- ket.	Lackawana Coal carried to mar- ket.	Total amount carried to market.
	Tons.			
1820, -	365	-	-	365
1821, -	1,073	-	-	1,073
1822, -	2,240	-	-	2,240
1823, -	5,823	-	-	5,823
1824, -	9,541	-	-	9,541
1825, -	28,393	5,306	-	33,699
1826, -	31,280	16,835	-	48,115
1827, -	32,074	29,493	-	61,567
1828, -	30,232	47,181	-	77,413
1829, -	25,110	78,293	7,000	110,403
1830, -	41,750	89,984	42,000	173,734
1831, -	40,966	81,854	54,000	176,820
1832, -	75,000	209,271	84,500	368,771
1833, -	123,000	250,588	111,777	485,365
1834, -	106,244	224,242	43,700	374,186
1835, -	131,250	335,685	90,000	556,935
1836, -	-	432,045	-	696,826
1837, -	223,902	523,152	127,485	874,539

Length and cost of several improvements in other States, and amount of tolls received in each in 1837 : taken from official documents.

DESIGNATION.	Length.	Total cost.	Cost per mile.	Tolls in 1837.
	Miles.	Dollars.	Dollars.	Dollars.
New York canals, -	655	11,962,711	18,264	1,293,129
Pennsylvania State canals and railroads, -	709½	18,830,625	26,541	975,350
Ohio canals, - - -	406	5,356,150	13,192	* 256,975
Lehigh Navigation, -	46¾	1,546,095	33,071	149,267
Schuylkill Navigation,	108	3,187,383	29,513	604,189

* Amount of tolls in 1836—the amount for 1837, not having been received.

The Board solicit the indulgence of the Legislature, while they subjoin a few general observations.

The first remark they have to make is, that when the great improvements of our navigable streams which the predecessors of your honorable body originated and sustained on a scale so comprehensive, shall be completed, according to the plan and to the extent contemplated, Kentucky will have accomplished a work which has no parallel in the policy or the achievements of any other State—more than seven hundred miles of artificial navigation for large steam vessels, at an expenditure of less than one half the cost of the same extent of canal or railroad in the United States, or as far as the Board have any knowledge, in the world. She will, when the works now under contract, shall be completed, have created such a navigation, a distance of three hundred and thirty four miles, at a less average cost per mile than the average cost per mile of her system of turnpike roads, as the following statement, taken from the records of the Board, satisfactorily shows.

Average cost per mile of turnpike roads, as ascertained from the reports received into the office of the Board of Internal Improvement, - - - - -	\$6,163 00
Average cost per mile of slackwater navigation, on Green and Barren rivers, and on the Kentucky and Licking, as per contracts—334 miles, - - - - -	\$6,009 00
Difference in favor of the latter, - - -	<u>\$154 00</u>

This policy, and the incalculable advantages it secures over any other known plan of improvement, could not well have escaped the attention of the States around us: a policy the most economical—the most permanent—the most extensively and generally useful to the mass of the community—the best calculated to unfold the resources and facilitate the commercial operations of the country at large. Three great States of the Union are about to adopt the same mode of improvement. The Monongahela river has been surveyed, a distance of ninety miles from Pittsburgh to Brownsville, with a view to the construction of locks and dams for steam navigation. Ohio is doing the same thing on the Muskingum, and Indiana on the Wabash. These are high testimonials of the wisdom of the policy which the Legislature of Kentucky was the first to adopt; and the Board are gratified to believe, that your honorable body will concur with them in the expression of the hope, that the policy will be perseveringly pursued until it shall be vindicated in the judgments of all, from all doubts and misgivings, by the efficiency of its practical results upon the welfare and prosperity of the Commonwealth.

It is difficult, if not impossible, to form any adequate calculation of the value of the system so far in advance of its consummation. Figures cannot represent it. We are first to reflect that we are making works which are destined to outlive the present generation—to endure as long as the waters of the rivers they adorn shall continue to flow. We are adapting them, not alone to the present improved and improving condition of the Commonwealth. We are not constructing them, solely with the view of promoting the welfare of seven hundred thousand people, who now constitute the population of Kentucky. They are intended to be transmitted to those who

shall succeed us, along with our political institutions, as part and parcel of the inheritance we have received from our ancestors. When we consider, therefore, that, at the end of fifty years the present population of Kentucky will probably be double what it now is; what changes are to take place in the social and commercial relations of the community—what increased demands, the duplication of our numbers and the consequent enlargement of the capital, the resources, and the commerce of the State, will assuredly create, for the means of convenient and comfortable subsistence, and the facilities of obtaining them as cheaply as possible, we may form some adequate conception of the value of the connexion which is proposed to be made of the various parts of the State with each other. Nothing is more certain, than that with the advancement of our population, the labor and industry of the country will increase, its trade and commerce expand—and all the capacities of the soil be unfolded.

The population of the States bordering on the Ohio and Mississippi rivers, may be estimated in round numbers at 2,000,000. In less than fifty years, it will, perhaps, have doubled. When that period arrives, it is too evident to require argument to prove it, that the State which shall most abound in the materials by which the comforts and wants of mankind are supplied, and shall have most enlarged its means of access to domestic and distant markets, will, beyond all others, take the lead to wealth and importance.

What will, then, be the condition of Kentucky, if she pursues the policy so auspiciously commenced?

We shall have three great navigable thoroughfares, furnishing daily intercourse with our markets and those of other States, and making those States our tributaries. These will be the arteries of the system. Communicating with them, at every necessary point, turnpike roads, will spread from the centre to the extremities, forming lines of commercial and social intercourse with every part, and diffusing a wholesome circulation throughout the Commonwealth.

If it be asked, what resources there will be to sustain the healthy action of the system, thus matured and perfected, the answer is, they are not only abundant but inexhaustible. But after so much has been, of late, communicated to the Legislature and the country, on that subject, the Board will not attempt to enlarge upon the extent of those resources.

They beg leave, in conclusion, to recommend to the Legislature, that the improvements commenced on all the rivers, be completed as soon as practicable, and that the means be provided for that purpose.

JAS. T. MOREHEAD, *President*.
SAMUEL DAVEISS,
MANLIUS V. THOMSON,
JAS. R. SKILES.

STATEMENT A.

Showing the disbursement of money by the Board of Internal Improvement, from the 21st of November, 1837, to the 10th of October, 1838, including both days.

1837.

November	23,	To Richmond and Lexington Road, - - -	\$10,173 00
	25,	Bardstown and Springfield road, - - -	1,215 00
	27,	Kentucky river navigation—Lock No. 2, - - -	750 00
	29,	Board of Internal Improvement of Mercer county, - - - - -	2,736 00
		Green river Commissioners, - - - - -	20,000 00
December	1,	Kentucky river navigation, S. H. Moon—salary, - - - - -	60 00
	2,	Kentucky river navigation, Lock No. 1, - - -	1,000 00
	4,	do. do. Lock No. 3, - - -	900 00
	5,	M. R. Stealey, salary to 31st instant, - - -	750 00
	7,	Owingsville and Big Sandy road, - - -	11,000 00
		Ky. river navigation, Lock No. 5, - - -	850 00
		W. R. Griffith, Commissioner of Daviess county, in pursuance of Act of Assembly, - - - - -	1,000 00
		Jos. Allen, Commissioner of Breckinridge county, in pursuance of Act of Assembly, - - - - -	1,000 00
		Bridge across Richland creek, Hopkins county, in pursuance of Act of Assembly, - - - - -	100 00
	8,	Bardstown and Green river road, - - -	5,661 00
		Arch. Woods, salary as member to date, - - -	202 00
		Louisville and Elizabethtown road, in Hardin county, - - - - -	2,310 00
	13,	Ky. river navigation, Lock No. 4 and 5, - - -	2,400 00
	15,	Hydraulic lime establishment, - - -	3,000 00
	16,	Bardstown and Louisville road, - - -	2,000 00
	18,	Ky. river navigation, Lock No. 2, - - -	600 00
	19,	Ky. river navigation, Lock No. 1, - - -	600 00
	19,	Green river Commissioners, - - - - -	2,000 00
	19,	Lexington, Harrodsburg, and Perryville road, - - - - -	2,838 00
	19,	Ky. river navigation, Lock No. 2, - - -	791 00
	20,	Ky. river navigation, Thos. McLaughlin, salary, - - - - -	120 00
		Ky. river navigation, freight on 210 lbs. lime, - - - - -	105 00
		Ky. river navigation, Lock No. 3, - - -	1,050 00
		Lexington and Ohio Railroad, - - -	13,333 34
		Amount carried forward, - - - - -	\$88,544 34

Amount brought forward, - - - \$88,544 34

1837.

December	21,	To James R. Skiles, salary as member to date,	312 18
		Ky. river navigation, M. Skelton—salary,	180 00
	22,	Ky. river do. freight on lime, -	900 00
	22,	Louisville and Elizabethtown road, Jefferson county, - - - -	750 00

1838.

January	1,	Ky. river navigation, Lock No. 4, - -	300 00
	1,	do. do. Lock No. 5, -	200 00
	1,	Versailles and Anderson county road, -	570 00
	1,	Ky. river navigation, S. H. Moon, salary,	60 00
	1,	Austin P. Cox, salary to date, fourth qr.,	250 00
	1,	Sylvester Welch, do. do. -	1,000 00
	1,	N. B. Buford, do. do. -	625 00
	1,	Antes Snyder, do. do. -	625 00
	1,	David Mitchell, jr., salary to date—third and fourth quarter, - - - -	600 00
	1,	Charles F. Taylor, salary to date—fourth quarter, - - - -	200 00
	2,	Ky. river navigation, freight on lime, -	650 00
	2,	Muldrow's Hill, - - - -	1,500 00
	2,	Board of Internal Improvement of Scott county, - - - -	600 00
	2,	Ky. river navigation, Lock No. 3, -	800 00
	2,	do. do. Lock No. 3, -	571 00
	3,	G. R. Eichbaum, salary to 31st ult., fourth quarter, - - - -	325 00
	4,	Board Internal Improvement of Lincoln county, - - - -	4,600 00
	4,	Mount Sterling and Maysville road, -	6,810 00
	4,	Ky. river navigation, Lock No. 1, -	500 00
	4,	Frankfort, Lexington & Versailles road, -	344 00
	5,	Danville, Lancaster and Nicholasville road, - - - -	600 00
	6,	Winchester and Lexington road, -	900 00
	6,	Ky. river navigation, Lock No. 4, -	600 00
	9,	John Green, salary as member, -	21 00
	10,	Bardstown and Springfield road, -	1,200 00
	10,	Bardstown and Green river road, -	5,661 00
	10,	Lexington and Ohio Railroad, -	36,666 67
	11,	Board of Internal Improvement of Scott county, - - - -	300 00
	13,	Ky. river navigation, Lock No. 5, -	1,200 00
	15,	Ky. river navigation, Lock No. 1, -	420 00
	20,	Ky. river navigation, M. Skelton, salary, -	60 00
	20,	Ky. river navigation, Lock No. 5, -	1,000 00
	23,	Hydraulic lime establishment, -	2,000 00
	23,	Bardstown and Green river road, -	2,252 00

Amount carried forward, - - - 164,697 19

		Amount brought forward,	-	-	164,697 19
1838.					
January	24,	To J. M. Bullock, expenses of trip to Louisville, to negotiate loan with Banks,	-	-	105 00
	25,	Ky. river navigation, Lock No. 1,	-	-	650 00
	25,	Ky. river navigation, G. Stealey, salary,	-	-	131 00
	25,	Ky. river navigation, freight on lime,	-	-	1,000 00
	26,	Expenses of examination for hydraulic lime,	-	-	364 18
	26,	Ky. river navigation, bal. line of levels,	-	-	49 50
	26,	J. Sterrett, commissioner of Hancock county, in pursuance of Act of Assembly,	-	-	1,000 00
	26,	W. Rankin, commissioner of Henderson county, in pursuance of Act of Assembly,	-	-	1,000 00
	27,	Ky. river navigation, Lock No. 2,	-	-	900 00
	27,	Ky. river navigation, Lock No. 3,	-	-	500 00
	31,	Covington and Georgetown road,	-	-	2,000 00
	31,	Owingsville and Big Sandy road,	-	-	16,500 00
February	1,	Ky. river navigation, Lock No. 5,	-	-	800 00
	1,	do. do. Lock No. 4,	-	-	640 00
	6,	do. do. S. H. Moon, salary,	-	-	60 00
	8,	do. do. Lock No. 1,	-	-	300 00
	8,	do. do. Lock No. 4,	-	-	1,391 00
	8,	do. do. Lock No. 5,	-	-	231 00
	9,	Lexington and Ohio Railroad,	-	-	10,000 00
	9,	Danville, Lancaster & Nicholasville road,	-	-	9,773 00
	12,	Bardstown and Springfield road,	-	-	4,100 00
	12,	Hydraulic lime establishment,	-	-	3,000 00
	12,	Versailles and Anderson road,	-	-	1,440 00
	12,	Green river commissioners,	-	-	15,000 00
	13,	Muldrow's Hill,	-	-	200 00
	14,	Maysville road—for benefit of sinking fund com'rs—(see note, end of Report,)	-	-	634 48
	16,	Louisville and Elizabethtown road—Hardin county,	-	-	3,000 00
	17,	Board of Internal Improvement of Scott county,	-	-	500 00
	20,	Ky. river navigation, freight on lime,	-	-	1,342 38
	20,	H. J. Eastin, fourth quarter, salary to 31st December,	-	-	400 00
	28,	Ky. river navigation, McLaughlin, salary,	-	-	120 00
March	2,	do. do. Lock No. 2,	-	-	700 00
	3,	do. do. Lock No. 3,	-	-	700 00
	3,	Land, and expenses of condemning,	-	-	230 00
	3,	S. H. Moon, salary,	-	-	60 00
	3,	A. Woods, salary as member to date,	-	-	97 75
	3,	J. R. Skiles, salary as member to date,	-	-	139 00
		Amount carried forward,	-	-	243,755 48

		Amount brought forward, - - -	243,755 48
1838.			
March	8, To	Ky. river navigation, Lock No. 5, -	1,000 00
	8,	Ky. river navigation, Lock No. 4, -	900 00
	13,	J. M. Bullock, to expenses Eastward to sell bonds, - - -	600 00
	13,	Versailles and Anderson county road, -	905 00
	22,	Hydraulic lime establishment, -	3,000 00
	29,	Board of Internal Improvement of Frank- lin county, Georgetown road, - -	220 00
April	1,	C. F. Taylor, first quarter, salary, -	200 00
	1,	J. S. Evans, services as draughtsman, &c. -	424 00
	1,	Austin P. Cox, first quarter, salary, -	250 00
	3,	Green river commissioners, - -	10,000 00
	3,	S. Welch, first quarter, salary, - -	1,000 00
	3,	N. B. Buford, first quarter, salary, -	625 00
	3,	W. B. Foster, jr., 4th and 1st qr., salary, -	1,250 00
	3,	Antes Snyder, first quarter, salary, -	625 00
	3,	H. J. Eastin, first quarter, salary, -	400 00
	3,	G. R. Eichbaum, first quarter, salary, -	325 00
	3,	David Mitchell, jr., first quarter, salary, -	300 00
	3,	Winchester and Lexington road, - -	2,645 00
	3,	do. (see act of Assembly,) - - -	3,000 00
	3,	Ky. river navigation, Lock No. 3, -	900 00
	3,	Ky. river navigation, Lock No. 1, - -	190 00
	3,	Ky. river navigation, Lock No. 5, -	1,350 00
	3,	Ky. river navigation, Lock No. 2, - -	850 00
	3,	Mt. Sterling and Maysville road, - -	2,849 00
	4,	Board of Internal Improvement of Lin- coln county, - - - -	1,220 00
	4,	Ky. river navigation, Lock No. 4, -	1,100 00
	4,	Ky. river navigation, M. Skelton, salary, -	180 00
	5,	Winchester and Lexington road—(see act of Assembly,) - - - -	3,000 00
	6,	Lexington, Harrodsburg and Perryville road, - - - -	2,562 00
	6,	Chilton Allan, expenses, - - -	190 00
	10,	Ky. river navigation, freight on lime, -	1,600 00
	12,	Bardstown and Green river road, -	4,000 00
	14,	Hydraulic lime establishment, - -	5,000 00
	14,	Winchester and Lexington road—(see act of Assembly,) - - - -	6,000 00
	17,	Green river commissioners, J. G. Pitts, award of referees, - - -	362 25
	21,	Board of Internal Improvement of Mer- cer county, - - - -	1,518 00
	27,	Covington and Georgetown road, - -	1,000 00
	30,	Ky. river navigation, Lock No. 3, -	1,000 00
	30,	Ky. river navigation, Lock No. 1, -	1,000 00
		Amount carried forward, - - -	307,295 73

		Amount brought forward, - - -	\$307,295 73
1838.			
April	30, To	Ky. river navigation, Lock No. 2, -	1,000 00
May	1,	Licking river navigation, expenses of survey, - - - - -	173 75
	1,	Mt. Sterling and Virginia line road, expenses of survey, - - - - -	38 00
	1,	Ky. river navigation, Lock No. 4, - - -	2,350 00
	1,	Ky. river navigation, S. H. Moon, salary, -	120 00
	1,	M. R. Stealey, one quarter, salary, -	750 00
	2,	Ky. river navigation, Lock No. 5, - - -	1,960 00
	5,	Muldrow's Hill, - - - - -	200 00
	7,	Ky. river navigation, Th. McLaughlin, salary, - - - - -	120 00
	10,	Richmond and Lexington road, - - -	1,500 00
	11,	Green river Commissioners, referees in case of Pitts, - - - - -	150 00
	11,	Ky. river navigation, freight on lime, -	930 00
	11,	Ky. river navigation, Lock No. 1—(see act,) - - - - -	3,000 00
	11,	Hydraulic lime establishment, - - -	3,000 00
	11,	Hydraulic lime manufactured at Tarascons' mills, - - - - -	342 78
	11,	Owingsville and Big Sandy road, - - -	10,000 00
	12,	Bardstown and Green river road, - - -	1,954 00
	12,	Bardstown and Springfield road, - - -	350 00
	14,	Muldrow Hill, - - - - -	800 00
	15,	P. Swigert, for purchasing land on Ky., -	100 00
	16,	Versailles and Anderson road, - - -	965 00
	21,	Lawrenceburg and Hardinsville road, -	2,000 00
	26,	Mt. Sterling and Maysville road, - - -	4,500 00
	26,	Danville, Lancaster and Nicholasville, -	3,000 00
	26,	Lexington, Harrodsburg and Perryville, -	3,500 00
	26,	Green river commissioners, - - - - -	20,000 00
	26,	Ky. river navigation, Lock No. 1, - - -	540 00
	26,	do. do. do. No. 3, - - -	800 00
	26,	do. do. do. No. 2, - - -	900 00
	31,	do. do. do. No. 4, - - -	1,750 00
	31,	do. do. do. No. 5, - - -	1,300 00
	31,	Ky. river navigation, Geo. Stealey, salary, -	300 00
June	1,	Ky. river navigation, S. H. Moon, salary, -	60 00
	2,	Ky. river navigation, freight on lime, -	977 00
	10,	Versailles and Anderson road, - - -	800 00
	11,	Lexington, Harrodsburg and Perryville road, - - - - -	1,300 00
	11,	Bardstown and Green river road, - - -	12,530 00
	12,	Louisville and Elizabethtown road, Har- din county, - - - - -	10,000 00
	12,	Hydraulic lime establishment, - - -	8,000 00
		Amount carried forward, - - -	411,356 26

Amount brought forward, - - - 411,356 26

1388

June	15, To	Covington and Georgetown road,	-	2,000 00
	16,	Ky. river navigation, Lock No. 1,	-	300 00
	18,	do. do. freight on lime,	-	386 00
	20,	Lexington, Harrodsburg and Perryville road,	- - - - -	5,200 00
	20,	Board of Internal Improvement of Mercer county, below Salvisa,	- - -	2,908 00
	20,	Board of Internal Improvement of Mercer county, above Salvisa,	- - -	3,048 00
	22,	Green river, J. R. Skiles,	- - -	12,000 00
	22,	Green river, S. Stout,	- - -	8,000 00
	28,	Lawrenceburg and Hardinsville road,	-	1,200 00
	28,	Danville, Lancaster and Nicholasville,	-	5,145 00
	28,	Board of Internal Improvement of Anderson county,	- - - - -	4,000 00
	28,	Mt. Sterling and Maysville road,	- -	8,700 00
	28,	Elizabethtown and Bell's tavern road,	-	11,800 00
	29,	Bardstown and Green river road,	-	20,000 00
	30,	S. Welch, second quarter, salary,	- -	1,000 00
	30,	M. R. Stealey, second quarter, salary,	-	750 00
	30,	A. Snyder, second quarter, salary,	-	625 00
	30,	N. B. Buford, second quarter, salary,	-	625 00
	30,	H. J. Eastin, second quarter, salary,	-	400 00
	30,	Austin P. Cox, second quarter, salary,	-	250 00
	30,	Ky. river navigation, Lock No. 1,	- -	1,590 00
July	2,	Ky. river navigation, Lock No. 2,	- -	2,650 00
	2,	G. R. Eichbaum, second quarter, salary,	-	325 00
	2,	M. V. Thomson, salary as member to date,	- - - - -	62 00
	2,	Arch. Woods, salary as member to date,	-	101 50
	3,	Ky. river navigation, Lock No. 3,	- -	2,300 00
	3,	Ky. river navigation, Lock No. 4,	-	3,250 00
	4,	Ky. river navigation, Th. McLaughlin, salary,	- - - - -	120 00
	5,	Ky. river navigation, Lock No. 5,	- -	1,900 00
	5,	Ky. river navigation, S. H. Moon, salary,	-	60 00
	5,	Ky. navigation, M. Skelton, salary,	-	180 00
	6,	Lexington, Harrodsburg and Perryville road,	- - - - -	2,665 00
	6,	D. Mitchell, jr., various expenses,	- -	179 72
	11,	Muldrow Hill,	- - - - -	500 00
	11,	Green river commissioners, J. R. Skiles,	-	12,000 00
	11,	Green river commissioners, S. Stout,	-	8,000 00
	14,	Ky. river navigation, Lock No. 1,	- -	650 00
	16,	Lime establishment, and at Tarascons,	-	6,200 00
	18,	B. W. Ballard, rodman, &c. to 30th Apl.,	-	484 00

Amount carried forward, - - - 542,910 48

		Amount brought forward, - - -	542,910 48
1838.			
July	23, To J. S. Evans, draughtman, &c. to 15th instant, - - - - -	408 50	
	24, W. B. Foster, jr., second quarter, salary, - - -	625 00	
	24, Surveys of North and Middle fork of Ky. river, - - - - -	1,016 57	
	24, W. P. Loomis, for Theodolite, &c. - - -	350 00	
	25, Bardstown and Green river road, - - -	44,000 00	
	27, Owingsville and Big Sandy road, - - -	15,000 00	
August	6, Licking river navigation, Lock No. 5, - - -	787 00	
	6, Licking river navigation, Lock No. 3, - - -	1,420 00	
	6, Louisville and Elizabethtown road, Hardin county, - - - - -	1,589 00	
	6, Ky. river navigation, freight on lime, - - -	1,876 87	
	6, C. F. Taylor, to remove obstructions at Smith's Shoals, Cumberland river, - - -	2,000 00	
	6, Ky. river navigation, Lock No. 4, - - -	3,985 00	
	6, do. do. Lock No. 5, - - -	1,750 00	
	6, do. do. Lock No. 1, - - -	1,421 00	
	6, Ky. river navigation, Geo. Stealey, salary, - - -	120 00	
	6, Ky. river navigation, Lock No. 3, - - -	2,500 00	
	8, Green river commissioners, freight on lime, - - - - -	1,168 00	
	11, Bardstown and Springfield road, - - -	4,450 00	
	14, Licking river navigation, Lock No. 1, - - -	536 40	
	14, do. do. Lock No. 2, - - -	808 65	
	14, do. do. Lock No. 3, - - -	504 00	
	14, Board of Internal Improvement of Franklin county, Lawrenceburg and Hardinsville road, - - - - -	800 00	
	15, Board of Internal Improvement of Mercer county, below Salvisa, - - -	1,700 00	
	15, Board of Internal Improvement of Mercer county, above Salvisa, - - -	1,707 00	
	15, Board of Internal Improvement of Lincoln county, - - - - -	2,400 00	
	15, Lexington, Harrodsburg and Perryville road, - - - - -	2,500 00	
	15, Ky. river navigation, Lock No. 1, - - -	680 00	
	15, A. Snyder, to improve Goose creek and South fork Ky. river, - - -	2,000 00	
	15, Green river commissioners, J. R. Skiles, - - -	12,000 00	
	15, Green river commissioners, S. Stout, - - -	8,000 00	
September	8, Green river commissioners, S. Stout, - - -	8,000 00	
	8, Green river commissioners, J. R. Skiles, - - -	12,000 00	
	8, Bell's tavern and Bowlinggreen road, - - -	535 00	
	8, Lime manufactured at Tarascons' mills, - - -	2,145 42	
	8, Licking river navigation, Lock No. 3, - - -	838 08	
	Amount carried forward, - - -	684,531 97	

		Amount brought forward, - - -	684,531 97
1838			
September	8, To	Licking river navigation, Lock No. 1, -	472 05
	8,	do. do. Lock No. 2, -	921 08
	8,	do. do. Lock No. 4, -	569 19
	8,	do. do. Lock No. 1; -	1,768 06
	8,	Glasgow and Scottsville road, -	17,000 00
	8,	Muldraw Hill, - - - -	1,000 00
	8,	Bowlinggreen and Tennessee line road, -	723 00
	8,	Board of Internal Improvement of Scott county, - - - -	1,075 00
	8,	White & Garrard, Goose creek, &c., -	500 00
	8,	Ky. river navigation, Lock No. 1, -	500 00
	8,	do. do. Lock No. 2, -	3,882 00
	8,	do. do. Lock No. 3, -	2,274 00
	8,	do. do. Lock No. 4, -	3,500 00
	8,	do. do. Lock No. 5, -	3,190 00
	10,	Owingsville and Big Sandy road, -	15,200 00
	13,	Danville, Lancaster & Nicholasville road,	12,336 00
	13,	Ky. river navigation, Lock No. 1, -	500 00
	14,	C. F. Taylor, second qr., salary, -	200 00
	14,	Covington and Georgetown road, -	1,000 00
	15,	Ky. river navigation, Lock No. 1, -	1,572 00
	17,	Lexington, Harrodsburg and Perryville road, - - - -	4,647 00
	20,	Pikeville and Sounding gap road, -	1,000 00
	20,	Hydraulic lime establishment, -	5,000 00
	22,	Versailles and Anderson county road, -	1,860 00
	24,	Elizabethtown and Bell's tavern road, -	4,270 00
	27,	Board of Internal Improvement of Mer- cer county, - - - -	8,256 00
	29,	Board of Internal Improvement of Frank- lin county, Lawrenceburg and Hardins- ville road, - - - -	400 00
	29,	Board of Internal Improvement of Ander- son county, - - - -	1,000 00
	29,	Antes Snyder, third quarter, salary, -	625 00
	29,	Austin P. Cox, third quarter, salary, -	250 00
	29,	S. Welch, third quarter, salary, -	1,000 00
	29,	M. R. Stealey, third quarter, salary, -	750 00
October	1,	H. J. Eastin, third quarter, salary, -	400 00
	1,	D. Mitchell, jr., 2d & 3d quarter, salary,	600 00
	1,	N. B. Buford, third quarter, salary, -	625 00
	1,	Bardstown and Green river road, -	15,300 00
	1,	Ky. river navigation, S. H. Moon, salary,	120 00
	1,	do. do. Lock No. 2, -	2,800 00
	1,	do. do. Lock No. 3, -	1,230 00
	2,	do. do. Lock No. 4, -	4,200 00
	2,	do. do. Lock No. 1, -	2,570 00
Amount carried forward, - - -			809,617 35

		Amount brought forward, - - -	\$09,617 35
1838.			
October	2, To	Ky. river, to pay for Haydon's land, at Lock No. 1, - - -	586 17
	4,	Ky. river, Lock No. 4, - - -	2,500 00
	4,	Ky. river, S. H. Moon, salary, - - -	60 00
	4,	Antes Snyder's expenses, . - - -	147 75
	4,	Green river commissioners, J. R. Skiles, - - -	12,000 00
	4,	Green river commissioners, S. Stout, - - -	8,000 00
	6,	Covington and Georgetown road, - - -	1,000 00
	6,	Licking river navigation, Lock No. 1, - - -	950 39
	6,	Licking river navigation, Lock No. 2, - - -	662 35
	6,	Licking river navigation, Lock No. 4, - - -	397 08
	6,	Licking river navigation, Lock No. 3, - - -	428 81
	8,	Danville, Lancaster and Nicholasville road, - - -	1,500 00
	8,	Ky. river navigation, J. S. Evans, salary, - - -	152 00
	10,	Lexington, Harrodsburg and Perryville road, - - -	7,300 00
	10,	Mt. Sterling and Maysville road, - - -	1,000 00
			<hr/>
			\$846,301 90
Unsettled balances in hands of Engineers, &c., - - -			6,220 00
			<hr/>
			<u>\$852,521 90</u>

NOTE.—It was reported last year, that the sum due from the State to the Maysville, Washington, Paris and Lexington turnpike road, viz: \$213,000 was fully paid, and that \$12,775 87 had been paid by the State's portion of tolls in said road. It was subsequently ascertained that only \$12,141 39 should have been so applied; the balance, \$634 48, belonged, under the law, to the Sinking Fund Commissioners, to whom it has been paid, as here stated.



REPORT
OF THE
CHIEF ENGINEER OF KENTUCKY,
FOR 1838.

ENGINEER'S OFFICE,
Frankfort, December 12th, 1838. }

To the HON. JAMES T. MOREHEAD,
President of the Board of Internal Improvement of Ky.

SIR—I have the honor to submit for the information of the Board, the following report of the condition and progress of the public works under my superintendence; also the reports of the several Resident and Assistant Engineers.

The Engineer corps, as directed by an order of the Board, of the 17th of February last, has been continued as organized in 1837.

Surveys have been made, during the year, of the Big Sandy river and West Fork: of the North and Middle Forks of the Kentucky river: of the turnpike road from Glasgow through Scottsville to the Tennessee line—and of the greater part of the line of road from Louisville via Elizabethtown, Munfordsville, Bell's tavern, Bowlinggreen and Franklin, to the Tennessee line.

Big Sandy river and West Fork.—By direction of the President of the Board, Mr. Buford was instructed, early in April, to organize a surveying party and commence the examinations of this stream as soon as the state of the water would permit. The river was to be surveyed from Pikeville to its junction with the Tug Fork, and thence to the mouth, at Catlettsburg.

The distance from Pikeville to Louisa, at the junction of the West end of Tug Forks, is $89\frac{1}{4}$ miles, and from Louisa to the mouth of the river, $26\frac{1}{4}$, making in all 116 miles. The whole descent, is $146\frac{1}{2}$ feet, or a little more than 1 foot 3 inches in a mile. The width of the river from Pikeville to Prestonsburg, averages a little less than 200 feet, and from Prestonsburg to Louisa, about 200 feet. Along some part of the distance, the bottoms are not more than 20 or 25 feet high; but they are, generally, between 40 and 50 feet. The average width of the valley, between the hills, does not exceed 600 or 700 yards; in some places it is wider.

From Louisa to the mouth of the river, the channel is from 3 to 400 feet wide. The valley between the hills is considerably wider than that along the West Fork. The bottoms are generally from 45 to 50 feet high above the low water plane, and somewhat higher near the Ohio.

The descent in the river, is mostly at the ripples. Between these, when the water is low, there are long level pools. The fall, in the ripples, is from 3 or 4 inches to 4 or 5 feet. The length of those which have the greatest fall, is from 1000 to 3000 feet.

The ripples constitute the principal obstruction to the ascent of small boats, (keel boats or barges,) when the water is low. The boats carry from 5 to 20 tons, according to the state of the water. When the water is low, the depth on the ripples is reduced to a few inches, and boats cannot pass over. Mr. Eichbaum, the assistant Engineer, who made the survey, under the direction of Mr. Buford, recommends the cutting of a channel, through each ripple, wide enough for the convenient passage of boats. This plan might be of some advantage where the bed of the river, in the ripples, is fixed rock; but where it is gravel, or loose rock, such a channel would wear away, and change so much, in a short time, as to render it useless for navigation.

To remove the snags and loose rocks, and to cut away such points of fixed rock, upon the ripples, as project above the common level of the river bottom, would be the only improvement which, in my opinion, can be made, at a reasonable expense, to facilitate the ascent of boats in low water, or at a common stage of water.

The river is obstructed, to a considerable extent, by leaning trees and snags, which impede the passage of steamboats and of descending flatboats. If these obstacles were removed, steamboats could ascend, during freshets, as far up as Prestonsburg, and perhaps to Pikeville. One steamboat, has ascended the river to a point 15 miles above Prestonsburg. Other steamboats have ascended to Louisa, and above.

There appears to be no practicable road, from Pikeville and Prestonsburg to the mouth of Big Sandy, or to any convenient point on the Ohio; and the river is the principal channel of communication, between the counties of Pike, Floyd and Lawrence, and the Ohio. The expenditure of about eight or ten thousand dollars between Pikeville and Catlettsburg, would remove the principal obstacles to the passage of steam and flatboats; and would so improve the shoals as to facilitate the passage of keelboats, and perhaps increase the length of time during which they could navigate the river.

Iron ore is found in considerable quantities, along the river; and coal is found along its whole extent, from Pikeville to the mouth. At Prestonsburg, beds are opened, from 3 feet to 4 feet 6 inches thick: as far down as Tom's creek, they are represented to be 3 feet thick. Further down, the beds are thinner. The coal is said to be of good quality.

Mr. Eichbaum estimates the cost of improving the river, according to the plan which he recommends, at \$25,222; viz: from Pikeville to Prestonsburg, \$8,774; from Prestonsburg to Louisa, \$15,348; and from Louisa to the mouth of the river, \$1,100.

North and Middle Fork of the Kentucky river.—In compliance with an order of the President of the Board of Internal Improvement, surveys have

been made, under the direction of Wm. B. Foster, Resident Engineer, of the North and Middle Forks. The South Fork was surveyed in 1837.

North Fork.—This stream was surveyed, from its junction with the Middle Fork, as far up as the mouth of Leatherwood creek, (Brashear's salt-works,) a distance, by the course of the river, of one hundred and twenty one and three tenths miles.

From the Middle Fork to the mouth of Troublesome creek, 55 miles, the ascent is 93 feet, or about 1.7 feet per mile. The average width of the channel is about 200 feet, except through the Narrows, where it is from 130 to 150 feet wide. The common bottoms are from 35 to 50 feet above low water. From the mouth of Troublesome creek to the mouth of Leatherwood, 66.4 miles: the ascent is 204 feet, or a little more than 3 feet to the mile. The average width of the channel, along this part of the river, is about 120 feet. The bottoms or flats, are generally not more than from 30 to 35 feet high above the low water plane. The bottoms, where they occur, along the whole extent of the survey, are narrow; seldom exceeding a quarter of a mile in width. The hills, above Troublesome creek, are four or five hundred feet high; below, their height is not so great. There is no low or marshy ground, which would be injured by the formation of slackwater navigation.

Between the Middle Fork and the mouth of Troublesome creek, the channel of the river is sufficiently straight, and wide enough to be navigated, conveniently, by small steamboats: above the mouth of Troublesome creek, it is more crooked and not so wide, and as the ascent is considerable, the pools between the dams, would be short, and steamboats could not be used with advantage. The navigation, could, however, be extended as far up as Hazard, or perhaps farther, if the business of the country should ever require it. A towing path would be required, in order that boats &c. might be propelled by horses. Convenient sites may be obtained for all the locks and dams required to form a slackwater navigation; and in general, rock foundations can be obtained to build upon. The bottoms are high enough to allow the lifts to be from 10 to 16 feet. Above the mouth of Troublesome creek, the lifts should not exceed 10 or 12 feet.

Building materials, as stone and timber, are abundant, and can be easily procured.

Mr. Foster estimates the cost of a slackwater navigation from the junction of the North and Middle Forks to the mouth of Troublesome creek, 55 miles, as follows:

99 feet lockage, including dams, &c. at \$4,500 per foot,	-	445,500
Clearing banks of river 55 miles, at \$100 per mile,	-	5,500
Clearing channel of rocks, &c.,	- - - -	6,000
		<hr/>
		\$457,000
Add for contingencies 10 per cent,	- - - -	45,700
		<hr/>
		<u>\$502,700</u>

Average cost per mile, $= \frac{502700}{55} = \$9,140.$

To extend the navigation as far up as Hazard, or the mouth of Leatherwood creek, the cost per mile would be considerably increased on account of the increased lockage. If a towing path would be made, it would add still further to the expense. The lockage from the mouth of Troublesome creek to the mouth of Leatherwood, would be 201 feet, and the cost per foot lift, for the locks and dams would be about \$4000—which would make for the whole lockage \$816,000. Add to this the expense of clearing the banks and channel of the river; the cost of superintendence and contingent expenses, (not including a towing path,) would make the aggregate cost of the 66.4 miles about \$1,000,000—or a little more than \$15,060 per mile.

Coal is now carried out of this river in flatboats, some from a mine near Hazard, and from several points below. Rafts of timber also descend the river. The descending navigation could be considerably improved, by the removal of rocks, &c.

Coal was found along the whole extent of the river, or as far as the survey was carried. Along the Narrows, and on the greater part of the distance between the Middle Fork and War creek, the beds or layers which crop out near the river, are thin. Between War creek and Brashear's salt-works, coal beds from three to five feet thick, crop out along the face of most of the hills. In some places the thick beds of coal, are low down near the river, in others, they are some two or three hundred feet above the water.

Near the mouth of Troublesome creek, there is a bed of coal, about 275 feet above the river, from $3\frac{1}{2}$ to $4\frac{1}{2}$ feet thick. About 3 feet of this, is of the kind called cannel coal, very hard, and burns freely with a white flame.—The balance of the bed is common bituminous coal, but of a superior quality.

Iron ore was found, in small quantities, in several places, in the beds of shale or slate. No large beds were observed.

Several salt wells have been bored, from which salt has been manufactured, upon the North Fork. One near the mouth of Troublesome creek, from which salt is now made; also one at the mouth of Leatherwood, (Brashear's.) There are two, about 6 miles from Troublesome creek, which have been abandoned. At Hazard, there is a well not yet finished. The saltwells upon this river have not, thus far, been very productive.

Middle Fork.—This river was surveyed, from its junction with the North Fork, to the point where the road leading from Hazard to Manchester, crosses it, a distance of 68 miles. The ascent, in this distance, is 169 feet, or nearly $2\frac{1}{2}$ feet to the mile.

The valley through which this Fork runs, is narrow, and the hills which enclose it, are high. As the North Fork is upon one side, and the South Fork upon the other, at no great distance: the country which it drains is not very extensive. On the lower ten miles, the bottoms or flats, are about 35 or 40 feet high, and for the most part, are wide enough for cultivation; above this they are narrower, and not more than 25 or 30 feet high.

On the lower ten miles the channel of the river averages about 100 feet wide: further up, it is wider, and will average about 130 feet, as far as the survey was carried. The channel is a good deal obstructed by rocks and old timber, upon the lower part of the river, and by islands in the upper part. Flatboats, laden with coal, however, pass out during freshets, also rafts of timber.

This stream is too small and crooked to be navigated by steamboats. A navigation for boats to be towed by horses can be made at a reasonable expense, whenever the exigencies of the country shall require it.

A continuous slackwater navigation, would be best adapted to the river, and also to the trade, which would consist principally of coal. The banks of the river are not adapted to the construction of a canal.

A good slackwater navigation, large enough for such boats as would be used for the conveyance of coal upon the Kentucky river, would cost about \$4000 per foot lift, and the whole cost of a navigation from the mouth of the river to the Manchester and Hazard road, would be about \$750,000.

Coal beds occur along the whole extent of this river, or at least as far as it was examined, but they are not, generally, so thick as those upon the North Fork. Several of the beds which are open, measure about 3 feet. One or two near the upper part of the survey, measured about 4 feet thick or deep.

Small quantities of iron ore were found imbedded, as upon the North Fork, in the shale or slate rock, but no large deposits were observed.

The country along the North and Middle Forks, will furnish for transportation, coal, timber, and perhaps some iron. As the coal beds are supposed to extend all over the country, within the limits of the coal field, the supply may be regarded as inexhaustible, and the trade in coal will be perpetual. The quantity sent to market will be regulated by the demand.

Cumberland river.—At a meeting of the Board on the 12th of May last, it was ordered that the Chief Engineer, in compliance with the 9th section of an act further to provide for the Internal Improvement of the State, approved February 16th, 1838, be directed, as soon as the state of the water will permit, to lay out and put under contract such work as, in his judgment, may be necessary for the improvement of the descending navigation of the Cumberland river, from the mouth of Laurel river to the Tennessee line. And it was further ordered; that if, in the opinion of the President of the Board and the Chief Engineer, it shall be deemed expedient to appoint a Superintendent with authority to employ laborers, and procure the necessary boats and implements, to cut away the timber and to make the improvements between the mouth of the Big South Fork and the Tennessee line, that they have authority to appoint such Superintendent, and authorize him to employ laborers and to procure whatever may be deemed necessary by the Engineer for the execution of the work, &c.

Soon after the above order was made, it was ascertained that an agent, acting under instructions from the United States' Engineer Department, was making preparations to cut away the leaning timber and to remove the obstructions from the river, below the mouth of the Big South Fork. In consequence of this information all arrangements, relating to this part of the river, were suspended.

It was supposed that the water would be low enough, by the middle of July, to permit contractors to examine the river, and judge of the value of the work to be done. Proposals for building wing dams and doing the other necessary work, upon Smith's Shoals, were invited by public advertisement, to be received on the 13th and 14th days of July, at Somerset, Pulaski county. When the proposals were examined, it was found that the prices demanded for building the wing dams, &c. so far exceeded the fair value of

the work, that it was deemed advisable not to enter into contract, and the bids were referred to the Board, at the next meeting, and were rejected.

At a meeting of the Board on the 27th of July, the President and Chief Engineer were "authorized to have the works, required for the discending navigation of the Cumberland river, on Smith's Shoals, executed under the direction of a Superintendent, or one of the assistant Engineers in the service of the State, and that such Superintendent or assistant Engineer, be authorized to purchase the necessary materials, as the agent of the State, and to employ as many foremen and laborers as the Chief Engineer may deem necessary, to execute so much of the work as can be done with advantage during the present season; and the President of the Board is directed to furnish such Superintendent or assistant Engineer with the funds necessary for the prosecution of the work."

In compliance with this order, Mr. Charles F. Taylor, an assistant Engineer in the service of the State, was appointed Superintendent, and directed to make preparations and commence the work as soon as practicable.

The loose rocks and such points of fixed rock as projected above the common bottom of the river, in the boat channel, have been removed, upon all the shoals. Upon the Lower Shoal, a wall, which extended along near the middle of the river, about 1400 feet, has been removed, and two new wing dams, the one is 587, and the other 547 feet long, have been built. The dams are constructed of timber and stone. They are about 18 feet wide on the bottom, and average about 5 feet 4 inches high. The natural channel of the river upon this shoal, is about 700 feet wide. It is contracted by the wing dams, to about 300 feet.

As the wing dams, upon the Lower Shoal, were not finished, until about the first of November, it was supposed there would not be time enough before the commencement of the fall rains, to complete those upon the next shoal above. To have them partly built, (and left unfinished,) would endanger the safety of descending coal boats. It was therefore deemed advisable, not to commence them, until next season.

The whole amount expended in building the dams, and for removing the rock from the boat channel, is \$3,199 69. This includes the cost of working tools, and all expenses, except superintendence.

Improvements of the kind, commenced upon Smith's Shoals, have not, in most places, where they have been made, resulted in much permanent advantage. They may prove advantageous here. The effects of the dams which are finished should be carefully observed, during the winter and spring freshets: and if their form and positions shall appear to be good, those upon the other shoals can be built in the same manner; if not, such modification can be made as circumstances may suggest. All the works now proposed to be built upon the shoals, and between them and the mouth of Laurel river, can be finished next season. The cost of building the remainder of the wing dams, and of doing the other necessary work, will be about \$20,000.

I have no information in relation to the amount of work done, by the United States' agent, between the mouth of the Big South Fork and the Tennessee line.

Goose creek and South Fork of Kentucky river.—By an order of the Board of the 27th of July last, the President and Chief Engineer, were

authorized and directed to put under contract, without unnecessary delay, the works contemplated by the act of Assembly, entitled, "an act to improve the navigation of Goose creek, in Clay county," approved 16th February, 1838.

In compliance with this order, Mr. Snyder, Resident Engineer, was directed to proceed to Manchester, and lay out and put under contract, upon the best terms he could, the works contemplated by the act above referred to. Persons living in the vicinity of the river, were invited to make proposals. When these were examined, it was found that the prices so far exceeded a fair value of the work, that the Engineer declined entering into contract, except for that upon the East Fork of Goose creek and Collins' Fork, and reported accordingly. The President of the Board directed, on the fifteenth of August, that the work should be executed under the direction of Superintendents, who should, as Agents of the State, employ laborers, purchase supplies, and do all things necessary for successful and vigorous prosecution of the improvements; and he appointed as Superintendents, Dougherty White and James H. Garrard, of Manchester, Clay county.

These gentlemen, soon after their appointments, commenced removing the obstructions, below Manchester, along Goose creek and the South Fork of Kentucky river.

The work done consists of removing loose rocks and snags; cutting off projecting points of fixed rock, upon the shoals, of deepening the channel above the Narrows, and of raising the dam across the old channel.

The contract for removing obstructions on the East Fork of Goose creek, was given to Hiram Hibbard. The price agreed to be paid for doing all the work specified in the agreement, is \$350—\$250 of which has been paid. The work is not yet finished.

The contract for removing obstructions in Collins' Fork was given to Elhannan W. Murphy. The price agreed to be paid for doing all the work specified in the agreement, is \$283. No payments have as yet been made.

There has been paid for work done upon Goose creek and the South Fork of the Kentucky river, - - - - - \$1,921 69

Paid upon East Fork of Goose creek, - - - - - 250 00

Whole amount paid, - - - - - \$2,171 69

Work done and not paid for, about - - - - - 400 00

There has been paid to Messrs. Garrard and White, to be disbursed, and out of which the above sum has been paid, \$3000.

The work contemplated by the act referred to, can all be finished next season.

Tributaries of Green river—Improvements for descending navigation.—By an order of the Board of Internal Improvement of the 12th of May last, James R. Skiles, Esq., a member of the Board, was directed to contract for the work necessary for the improvement of Big Barren river, from the mouth of Peters' creek to the mouth of Line creek; and of Drake's creek, from its mouth to Skeggs' mill: the work to be done in the manner contem-

plated by the act of Assembly, approved 18th February, 1837, and by the act relating thereto, approved February 15th, 1838. The order requires that Mr. Skiles report to the Board of Internal Improvement. A part of this work was put under contract last year, and it was partly executed. As it was difficult to designate the work to be done upon these streams, and as a good deal of difficulty had arisen in the management of that which was put under contract last year, Mr. Skiles deemed it best for the public interest, to have the balance done under the direction of Superintendents, who should be authorized to procure supplies, employ workmen, and superintend the execution of the work.

The rocks, snags and timber in the river, between the mouth of Peters' creek and Line creek, has been cleared out, and the leaning trees cut down or belted. About midway between Peters' creek and Line creek, is Hatler's mill dam, over which boats cannot pass except in very high water, and the work done above it, is nearly useless. This dam was built under the authority of an act of the Legislature, but the provisions of the law have not been complied with.

The work left unfinished last year, between the mouth of Peters' creek and Martinsville, (part of Stevens' contract,) is done, and the fish dams are removed. Some additional work has also been done.

On the division below Martinsville, the work left undone, of Stevens' contract, is finished, and a cut-off, formerly excavated, has been deepened and a wing dam built to turn the water through it.

The work authorized to be done upon Drake's creek, has been finished. The expenses of the work done upon Barren river and Drake's creek, as upon the other tributaries of Green river, were paid by the Green river Commissioners, and the amount charged to the Board of Internal Improvement.

By an order of the Board of the 29th of June last, the Chief Engineer was directed to cause an examination to be made of Pond river, and of that portion of Rough creek, between Hartford and Green's mill, (Falls of Rough creek,) for the purpose of ascertaining what improvements could be made with advantage, for the descending navigation. Mr. Livermore, who was directed to make the examinations, reported that improvements could be made, by removing snags, timber, &c., that would be of public utility, and the expense of which, would not exceed the sum appropriated by the Board, viz: \$5,000, for each stream. By direction of the President of the Board, advertisements were published in the public newspapers, inviting proposals for executing the work, and an Engineer, Mr. Foster, was directed to lay it out and prepare it for contract.

The work upon *Rough creek*, between Hartford and Green's mill, a distance of about 51 miles, was divided into two sections; the first extending from the Falls to Nall's upper mills, 25 miles, was awarded by the Board, at their meeting at Rumsey on the 27th of August, to Joseph Wilson, and the second, extending from Nall's mill to Hartford, 26 miles, was awarded to Harrison D. Taylor.

The estimated cost of the first section at the contract prices, is	-	-	-	-	-	-	-	-	\$2,137 50
Estimated cost of the second section,		-	-	-	-				1,719 50

Estimated cost of the work under contract, upon Rough creek, \$3,857 00

Pond river.—The improvements to be made upon this stream, are between Island Ford, (six miles above the mouth of the river,) and the Hopkinsville and Greenville road, a distance of 53 miles. The work is let out under one contract. At the meeting of the Board at Rumsey, on the 27th of August, it was allotted to Wallace, Anderson and Lynn. But as these men declined entering into contract, on account of some misunderstanding about the manner of disposing of the timber, it was given to John S. Eaves, Sanders Eaves and William Eaves.

The work required to be done under this contract will amount to \$2,798.

The contract and specifications, which are herewith communicated, together with Mr. Foster's report, will exhibit the kind of work to be done, and the manner of doing it. The improvements upon this river, and also upon Rough creek, are to be completed, agreeably to the contracts, on the first of December, 1839.

In consequence of the indisposition of the contractor, no work had been done, on the upper section of Rough creek, on the 20th of October. On the lower section, the contractor had made considerable progress, and an estimate of \$594, was made by the Resident Engineer, and directed to be paid. The work has been commenced, and some progress made upon Pond river, but no payments have yet been made.

Muddy river.—The improvements directed to be made, upon this river, from the mouth, up as far as Wolf Lick creek, 23 miles, have been commenced, and partly executed, under the direction of Maj. John W. Powell as Superintendent, who employs workmen, procures supplies, and superintends the work as the agent of the State. Some work was done, several years ago, upon the lower nine miles, by Commissioners, citizens living in the vicinity of the river, appointed by the State. Such obstructions as were not removed by them, have been removed by the Superintendent, this fall, as far up as the back water from dam No. 3, on Green river, flows. The work further up, will not all be finished this season. The amount expended up to the 20th of November, was \$868 91.

Nolin creek.—By an order of the Board of the 27th of August, Mr. Foster was directed to examine this stream, from Millerstown down to the mouth, about 56 miles, for the purpose of ascertaining whether improvements could be made, that would be of use to the descending navigation; and he was directed to employ a superintendent to execute the work, if he could find a suitable person who would serve for a reasonable compensation; but if he could not find such person, he was directed to let the work to the lowest bidder. The sum of \$1000 dollars was appropriated to pay the expenses of the improvements.

The obstructions most in the way of navigation, are the mill dams.—Dawsey's dam, 16 miles below Millerstown, is about 7 feet high. Hardin's dam, 19 miles above the mouth of the creek, is about 5 feet 3 inches high. This is built upon the head of a shoal, and cannot be passed safely during freshets. There are other obstructions, such as rocks in the channel, snags, leaning timber and fish dams, which are in the way of descending boats.

It appears, from the report of Mr. Foster, that to make the navigation safe, it would be necessary to reduce the height of the dams, or to remove them; and that without doing this, the removal of the other obstacles would

not be of much advantage. The cost of the improvements proposed to be made, including the removal of Dawsey's dam, and the reduction of Hardin's to four feet in height, is estimated at \$1500. As this sum exceeds the appropriation by the board, and the authority to interfere with the mill dams was questionable, no work has been done, and the subject is submitted for the further consideration of the board.

Bear and Caney creeks.—In compliance with an order of the board of the 27th of August last, Mr. Foster was directed to make a reconnoissance of these streams, and to report to the board what improvements, if any, could be made for the descending navigation.

Bear creek was examined from the mouth up as far as McClure's Fork—estimated distance 20 miles. The obstructions are, two mill dams, one about 5, and the other 17 miles from the mouth—rocks in the channel, snags, drift wood, and leaning timber. The upper mill dam is 8 feet high, and boats can pass over it, only during very high floods.

There appears to have been but little produce sent out of this creek. Two boats, only, are reported to have gone out: and these started from points below the upper dam. Mr. Foster estimates the cost of removing the obstructions, at \$717.

The country along this creek, is thinly settled, and except the bottom lands, not very fertile.

Caney creek.—This stream is a branch of Rough creek, and unites with it about 15 miles below the Falls. It was examined, from the mouth, as far up as Bracher's mill, a distance of about 45 miles.

The obstructions consist of leaning trees, and in some places large quantities of fallen timber. There is one mill dam, Knight's, about 7 feet high, two miles above the mouth; but this is said not to interfere materially with the passage of boats.

The plan of improvement recommended by Mr. Foster, is to cut the fallen timber and snags, into small pieces, and fell and cut into pieces the leaning trees. The water during freshets would then clear the channel. The cost of cutting up the timber, &c., is estimated at \$20 per mile, making, for the whole distance \$900.

The country bordering upon Caney creek, is represented to be fertile, and to furnish a good deal of surplus produce for market. Last year, there was sent out, according to report, of tobacco, corn, pork, &c., about 500 tons. Mr. Foster states that a smaller amount of money than is represented above, if rightly applied, would be of service to the navigation, and that the whole \$900, could be judiciously expended. There has been paid towards the improvements for descending navigation upon the tributaries of Green river, by the Board of Internal Improvement, as follows, (expenses of former years included),

Big Barren river above Bowlinggreen,	-	-	-	\$3,560 48
Drake's creek,	-	-	-	734 50
Muddy river,	-	-	-	961 15
Rough creek,	-	-	-	2,391 34
Pond river,	-	-	-	139 21
Amount carried forward,	-	-	-	7,768 68

Amount brought forward,	- - -	7,785 63
Panther creek, - - - - -	- - -	2,827 00
Green river above the mouth of Barren, including cost of surveys of tributaries, - - - - -	- - -	3,374 51
		<hr/> <hr/> \$13,988 19

Green and Barren river Navigation.—The works under contract upon these rivers, have been continued under the direction of the Green river Commissioners. The reports of the President, Mr. Skiles, and of the Resident Engineer, Mr. Livermore, will give the requisite information relative to the condition of the works, the expenses, &c.

Two of the locks and dams, one at Rumsey, (Vienna Falls,) and one at the mouth of Muddy river, are finished, or nearly so. These two dams form a continuous navigation, from Rumsey to the mouth of Barren river, 85 miles. From Rumsey to the mouth of Green river, the navigation is good whenever the Ohio is 8 or 10 feet above low water, which will probably be the case for 6 or 8 months in the year. From the mouth of Barren river to Bowlinggreen, steamboats can only run during freshets, or when the river is several feet above the low water level. The lock at the mouth of Barren river, and the one between that and Bowlinggreen, are therefore much more necessary than the one near the mouth of Green river, which will be the last to be finished.

The undersigned examined the works upon Green and Barren rivers, in April and in August, by direction of the Board of Internal Improvement, and gave such advice in relation to the construction and security of the locks, dams, &c., as in his judgment circumstances required.

Kentucky river Navigation.—On the 15th of February last, the amount of funds available for Internal Improvement purposes, was only \$23,668. It was doubtful, at that time, whether money would be realized from the sale of the bonds of the State, in time to meet expenses, which, with the employment of a large number of workmen, would accrue upon the public works. In consequence of this state of things, the contractors were not required to employ a large force, so early as they would have been, if funds had been provided.

Masons and other mechanics employed upon the locks and dams, and upon other works, come mostly from Pennsylvania, and from the states East and North of that, where they have been employed upon works of Internal Improvement, and upon which they have acquired the skill that renders them useful here. Those men can be induced to come to our public works, only by an assurance from the contractors, of high wages and certain pay: and then it is necessary to employ them early in the season, and before the commencement of warm weather. Few are willing to come to this country after the middle of May, or the first of June. Last spring, no adequate inducement was offered for them to come to our works, and during the summer and autumn, good masons could not be obtained, and the work was consequently a good deal retarded.

The money borrowed from the banks was sufficient to pay the expenses upon the rivers, with the small force employed; and to pay, in part, the

demands of the turnpike road companies. The sale of the bonds was effected in June, but the money was not available, here, until the first of July. An impression prevailed early in the season, that there would be a reduction in the price of labor, and also in the price of subsistence for workmen: and the contractors were desirous of prosecuting their work, with but few men, until the reduction should take place. No inconvenience, therefore, resulted to them. They were paid as fast as their legal demands were made.

There was but little masonry laid in the locks before the middle of July. Several freshets occurred in May and June, which interfered with, and suspended all work in the river. Since the middle of July, the season has been very favorable, and the work has been prosecuted with considerable vigor, though not so expeditiously as it would have been, if a larger force could have been employed early in the season.

The work upon the lock and dam near the mouth of the river (No. 1.) is affected by the freshets in the Ohio; and whenever the water rises from 12 to 15 feet, or more, the building is suspended. The foundations of this lock, were not prepared, and they were not accessible, except for a very few days at a time, last summer, until after the middle of July: since that time the work has been prosecuted with considerable energy. There is now nearly 2000 perches of masonry laid, and a good deal of timber has been delivered for the dam, &c. This lock and dam cannot be finished next season, without incurring an expense greatly exceeding any advantage that would result from its completion. It may be finished in 1840, and probably at the present contract prices.

The work upon the lock at the mouth of six mile creek, No. 2, was also retarded by the freshets in the Ohio, in the early part of the season. The walls are now built up to the height of about 10 feet, and are above the ordinary floods. The pit for the abutment of the dam is partly excavated. A considerable quantity of stone for the lock walls, is quarried, and prepared for laying, and some plank, &c. for the dam are delivered. This lock and dam can be finished next season, but it will require the employment of a large force, and great exertion on the part of the contractor.

The walls of lock No. 3, at the mouth of Cedar creek, are built up about 10 feet. The greater part of the stone for building the balance, are quarried, and prepared for laying in the walls. A part of the timber and plank for the dam has been delivered. This lock and dam can be finished next season.

The walls of lock No. 4, near Frankfort, are about three fourths built up, and the greater part of the stone for the balance is quarried and delivered at the lock. Some of the timber for the dam is also delivered. This lock can be finished next season.

The walls of lock No. 5, near the mouth of Stoney run, are built up from 13 to 15 feet, and a large quantity of stone is quarried and prepared for laying. This lock can be finished next season. The dam should not be built up to any considerable height, until the lock near the mouth of Clear creek, is partly built up, and the foundation of the dam prepared.

The aggregate amount of work done towards the construction of the Kentucky river navigation, up to the 1st of December, inst., is—

By the contractors for the first five locks and dams,	\$203,597 00
Estimated value of hydraulic lime manufactured, and furnished,	42,250 00
Clearing the banks of the river, surveys, and pay of Engineers, &c.,	14,600 00
	<hr/>
Amount paid up to the 10th of October,	\$260,447 00
	215,826 00
Estimated cost of the locks and dams under contract, including lock-houses, clearing river banks, hydraulic lime, &c., necessary to complete the navigation 95.2 miles,	704,405 00
Estimated cost of the Kentucky river navigation from the mouth to the Three Forks, 257½ miles,	<hr/> <hr/>
	\$2,297,416 00

It will require about three years to build the locks and dams, after they are put under contract. So many as shall be commenced next spring, can be finished by the close of the year 1841.

Licking river Navigation.—By a provision in the contracts for building locks and dams for this navigation, except the contract for lock and dam No. 4, which was made in June last, the contractors agree to receive pay for their labor, &c., one third in the bonds of the State, and two thirds in notes of the Banks of Kentucky. This provision of the contracts, if carried into effect, will operate to the disadvantage of the contractor, and the State will derive no benefit from it. I would recommend that a change be made, if practicable, so as to have the payments made in money, as is the case with contracts upon other works.

The contracts, for the five locks and dams which were let in October, 1837, provide that the work shall be commenced on or before the first of January, 1838. As there was but a limited amount of money available for Internal Improvement purposes, and as it was uncertain at what time more would be obtained, the contractors were not required to comply with this provision, and they did not commence work to any extent until some time in May or June—which was as soon as funds were provided to pay them. No order was given, however, not to commence. They were left to act as their interests might direct.

It was expected, when the locks were put under contract, that stone for the two lower ones, would be obtained most conveniently from quarries along the Ohio river, and it was supposed that stone for building the other locks, would be obtained from quarries in the vicinity of each lock site. The contractors for the two lower locks, opened a quarry about 10 or 12 miles below Portsmouth, in the State of Ohio, and made the requisite preparations for obtaining all the stone required to build their locks, and they procured the boats necessary to transport them.

The contractors for locks Nos. 3, 4 and 5 opened several quarries in the vicinity of the lock-sites, but none of them furnished stone of a size and quality suitable for building lock-walls. The contractor for lock No. 4, about the first of June, gave notice that he could not execute his contract. It was abandoned, and re-let to Palmer and Guion on the 15th of June. The specifications were so modified, as to allow of the use of smaller stones, in a part of the wall. The stone for the face of the walls, will be brought from the Ohio river.

About the last of August, the contractor for lock No. 5 died, and his work was consequently abandoned. The Board directed, soon after, that the Chief Engineer put the work under contract again, as soon as a good and efficient contractor could be found, who would undertake it at fair prices. A proposal was made by W. O. Shands of Cincinnati, who was recommended as an efficient and responsible builder. His proposal was accepted by the Board, and he was requested to enter into contract. After a delay of some days, he declined signing articles of agreement, unless the prices specified in his proposal, for some of the items of work were increased. This proposition the Board refused to accede to, and directed other proposals to be invited by public advertisement. The lock is not yet re-let.

The contractors for locks No. 1 and 2, commenced work, with an efficient force, at their quarries, in May or June, with the intention of quarrying stone and building a part of their rock-walls this season. They had quarried and prepared a considerable quantity, and made preparations, about the 1st of August, to transport them to the lock-sites, but the river soon after became so low as to suspend navigation, and it did not rise again until some time in November. They have now commenced transporting stone to the locks, and will continue it, whenever the water in the river is high enough to enable them to carry them to the works. The pits for the locks, and dam abutments, are partly excavated, and some timber and a part of the iron, has been delivered.

The contractors for lock No. 3, have opened several quarries in the vicinity of the lock site, but none of them have furnished stone, except perhaps a few, suitable for building up the faces of the walls. Stones suitable for the interior of the walls, are found in abundance, at these quarries. Stones for the face walls, coping, &c. could be obtained of better quality, and more cheaply, from the quarries upon the Ohio. The contractors have made arrangements for furnishing these stone, from quarries at Rockville, from which a large portion of the building stone used in Cincinnati, are obtained. When the Ohio river is high, steamboats can pass up to the lock site, and the stone could be taken there without any land carriage.

The pit for this lock has been mostly excavated, and also the pit for the abutment of the dam. The contractors have delivered some timber and some iron.

Messrs. Reynolds, Grant and Hazleton, are to receive, by their contract, \$6 50 per perch, of 25 cubic feet, for building the lock walls. When the agreement was made, the contractors and also the Engineers, were under the impression that stone for building could be obtained in the vicinity of the lock, but of this the contractors were to judge for themselves, and were to fix their own prices. It appears now, that it will be necessary, or at least most economical, to go to quarries upon the Ohio, for a part of the stone; and that the expense of building the lock, will considerably exceed \$6 50 per perch.

The prices for the other work, as building the dam, &c., will not more than pay the expenses of construction, and leave the contractors a reasonable compensation for their personal services. If they proceed to build the lock under the present arrangement, they will sustain a loss of several thousand dollars. Under existing circumstances, I would advise that it be abandoned, and that the Board, if they have authority to do so, direct the work done at opening quarries, &c., to be paid for, and the contractors to be compensated as far as they can be, for their labor and the expenses which they have incurred.

At lock and dam No. 4, some work has been done at excavating the lock-pit, and at opening quarries. This lock was re-let to Palmer and Guion, the contractors for locks Nos. 1 and 2. All the cut stone are to be obtained from the same quarries as the stone for locks Nos. 1 and 2. Some iron has been delivered for the lock and dam.

No work has been done at lock No. 5, since about the first of September, when the contractor died. The whole amount which could then be estimated, was \$1273 60. The contractor had expended a considerable sum of money, in opening quarries, and in making preparations for the prosecution of his work, for which, under the provisions of the contract, he could not be paid.

A channel 100 feet wide, has been cut through the rock bar in the Ohio, at the mouth of the Licking. It is about 1250 feet long. The channel is excavated so low, that it will have as much, or more depth of water, than there is upon the shoals, either above or below Cincinnati. The bed of the Ohio, here, is rock. Out of this, the channel was excavated. Boats can now pass in and out of the Licking, whenever they can run upon the Ohio, and they can be laden so as to draw as much or more water. This channel cost \$5,383 47.

It was originally proposed to build the locks for this navigation, 130 feet long and 25 feet wide, in the chamber. In compliance with an order of the Board, the dimensions have been changed, and the length as now proposed will be 155 feet between the gates, and the width between the walls 31 feet. A lock of these dimensions will admit the common stern wheel steamboats which navigate the Ohio river.

The work below Falmouth, can be finished, if prosecuted vigorously, and funds are provided to pay the expenses, by the end of the year 1840, the time fixed by the contract.

The aggregate amount of work done towards the construction of the Licking river navigation, up to the 1st December, inst., is—

By the contractors for the first five locks and dams,	\$18,013 40
Estimated value of hydraulic lime manufactured,	6,000 00
Surveys and pay of Engineers, &c.,	5,766 76
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Value of work done up to 1st Dec., including surveys, &c.	29,780 16
Estimated cost of the locks and dams below Falmouth, including lock houses, clearing river banks, hydraulic lime, &c., necessary to complete the 51½ miles of navigation,	491,500 00
Estimated cost of the Licking river navigation, from the Ohio to West Liberty, enlarged as above mentioned,	\$2,036,000 00

Turnpike road from Louisville via the mouth of Salt river, Elizabethtown, Munfordsville, Bell's Tavern, Bowlinggreen and Franklin, to the Tennessee line.—The distance, according to the surveys, from Louisville to the Tennessee line, is 145.63 miles. The road is divided as follows: From Louisville to Elizabethtown, 44½ miles—from Elizabeth to Bell's tavern, 49.6 miles—from Bell's tavern to Bowlinggreen, 24 miles, nearly—Bowlinggreen to the Tennessee line, 27.6 miles. Each of these divisions, is under the superintendence of a President and Directors.

Five miles of the road, next to Louisville is finished, and there is about 7 miles finished, in Hardin county. The work is under contract, upon the balance of the line, to Elizabethtown, except the bridge over Salt river, and a short piece of road adjoining it; and about 9 miles of stone roadway, between Salt river and Louisville.

Two miles of this road, where it ascends Muldrow's hill, is graded only 30 feet wide: The stone roadway upon this is to be 20 feet wide. The next 14 miles towards Elizabethtown, is graded 40 feet wide, and the stoneway, will be 18 feet wide. The balance of the road between Elizabethtown and Louisville, is graded 50 feet wide, and the stoneway is 16½ feet wide.

About 9 miles of the road in Jefferson, and nearly 14 miles in Hardin county was put under contract last summer; the balance has been under contract some two or three years.

The grading from Elizabethtown to a point within about a quarter of a mile of Munfordsville is under contract, and some part of it is finished. About 11½ miles of this, is to be covered with stone. From Munfordsville to Bell's tavern, no part of the work has been put under contract. This part of the road embraces a bridge over Green river.

Of the 24 miles from Bell's tavern to Bowlinggreen, about 22½ is under contract, and 1½ miles, including Barren river, is not under contract. The contracts here include the making of a stone roadway as far as the work is let out.

From Bowlinggreen through Franklin to the Tennessee line, 27¾ miles, the grading is all under contract, and all the stone roadway except 6 miles.

The road from Elizabethtown to the Tennessee line, is to be graded 40 feet wide. The stone roadway will be 18 feet wide and 1 foot deep in the middle. There will be a summer road along the whole distance, from Louisville to the Tennessee line, except at points where the width of the grade is necessarily reduced for short distances, upon side hills, &c. From Elizabethtown to Munfordsville, the road was put under contract last winter. Between Bell's tavern and Bowlinggreen, the contracts were made during the summer, and the work was not commenced until late in the season.

There is no report of this road, except at the crossing of the Green river, at Munfordsville, where the ascents and descents, exceeds two degrees, or a rise or fall of one foot in 28 and six tenths feet; and there is but a small portion of the road, where the inclination is as great as this.

The work upon the part of the road between Louisville and Elizabethtown, has not been prosecuted with a very large force. Some of the contracts which were made last spring, or in the early part of summer, have been prosecuted with more energy than the older ones, and the work upon these, is generally well done, as is also the work upon the old contracts,

which has been done during the past season. That which had been done previously is not so well executed.

No accurate calculation has been made to determine the cost of the bridge over Salt river. It is estimated to cost about \$60,000, without the embankments. The formation of the stone roadway, not under contract, between the Salt river and Louisville, Mr. Eastin estimates to cost about \$5000 per mile.

Between Elizabethtown and Munfordsville, the work has been prosecuted with considerable energy. The grading, is, generally, pretty well advanced, and a good many stone are prepared on the part of the road, where a stone covering is to be put on. The work upon this part of the road, so far as it is done, is well executed. All the contracts now in progress, can be completed, if funds are provided, before the close of the year 1839. The road from Munfordsville to Bell's tavern, with the exception of the bridge over Green river, is to be put under contract on the 20th of the present month. It appears by the report of the President of the turnpike road company, that application will be made for a separate charter for the bridge. It is estimated by Mr. Eastin to cost about \$38,200.

The work has been commenced upon most of the contracts between Bell's tavern and Bowlinggreen. The grubbing is mostly done, and the grading is commenced upon a good many of the sections. The work so far as it has progressed, is generally well done. No time has been fixed for putting the one and a half miles, near Bowlinggreen, under contract.

Upon that part of the road between Bowlinggreen and the Tennessee line, the greater part of the grubbing is done, and some work has been done upon the grading and culverts.

Most of the country over which this line of road passes, from the top of Muldrow's hill, in Hardin county, to the Tennessee line, is well adapted to the formation of a road. There are but few streams to cross, and the soil is mostly dry. A good deal of it would form a fine road during the greater part of the year, without a covering of stone.

The parts of the road which have been let out during the present year, were surveyed and located by Henry J. Eastin, a Resident Engineer in the service of the State.

ESTIMATED COST OF THE ROAD.

Cost of the finished part from Louisville out five miles, - - - - -	\$30,141 65	
Estimated cost of finished road in Hardin county, - - - - -	33,885 00	
	<hr/>	\$64,026 65
Estimated cost of work under contract between Louisville and the mouth of Salt river, - - - - -	48,379 60	
Estimated cost of work under contract between the mouth of Salt river and Elizabethtown, - - - - -	99,500 00	
Estimated cost of work under contract between Elizabethtown and Bell's tavern, including contingencies, - - - - -	24,977 44	
	<hr/>	64,026 65
Amounts carried over,	172,857 04	

Amounts brought over,	\$172,857 01	\$64,026 65
Estimated cost of work under contract between Bell's tavern and Bowlinggreen, - - -	115,314 12	
Estimated cost of work under contract between Bowlinggreen and the Tennessee line, - - -	119,024 74	
Estimated cost of work under contract, - - -		507,195 90
Estimated cost of work finished and under contract from Louisville to the Tennessee line, not including contingences on unfinished work, - - -		571,222 55
Add for superintendence and contingences for the unfinished part of the road, not including the part from Elizabethtown to Munfordsville, - - -		19,110 91
Estimated cost including contingences, - - -		\$590,333 46
Estimated cost of work not under contract between Louisville and Salt river, including the Salt river bridge, (\$60,000,) - - -	\$109,410 00	
Estimated cost of work not under contract between the mouth of Salt river and Elizabethtown, - - -	3,010 00	
Estimated cost of the work not under contract between Elizabethtown and Bell's tavern, including \$38,200, for a bridge over Green river, - - -	196,560 76	
Estimated cost of work not under contract between Bell's tavern and Bowlinggreen, including a new bridge over Barren river, and an embankment across the bottom, - - -	43,319 60	
Estimated cost of work not under contract between Bowlinggreen and the Tennessee line, - - -	21,351 00	
Estimated cost of work not under contract, including the bridges over Salt, Green and Barren rivers, <i>exclusive of contingences</i> , - - -		373,651 36
Add for contingences and superintendence, - - -		18,682 56
Estimated cost including contingences, - - -		392,333 92
The bridge over the mouth of Salt river is estimated to cost, - - -	60,000 00	
The bridge over the Green river, - - -	38,200 00	
The bridge over Barren river, including the embankment across the bottom, is estimated to cost, - - -	36,217 85	
		134,417 85
The estimated cost of the work not under contract, exclusive of bridges, will be - - -		\$257,916 07

The old bridge over Barren river has been rebuilt since the road was located, and an embankment across the bottom partly made. The proposition submitted to the Board at a former meeting, to change the line of the road,

so as to pass over this, not having been finally acted upon, it is uncertain whether the cost of the new bridge should be embraced in the cost of the road or not. As it is represented that separate charters will be applied for, for the other two large bridges, their estimated cost, together with the Barren river bridge, is shown, separately from the other work.

Turnpike road from Louisville, via Bardstown, Glasgow and Scottsville, to the Tennessee line.—This road is finished from Louisville to Bardstown, 39 miles. The first 10 miles next to Louisville, belongs exclusively to an incorporated company. On the remaining 29 miles, the stock is owned, one half by the State, and one half by individuals, &c. This part of the road cost, exclusive of bridges, \$5,046 52 per mile. There are seven bridges, the aggregate cost of which is \$52,344 75. The cost of the road, including bridges, is \$200,693 83, or about \$6,920 50 per mile.

From Bardstown to Glasgow, 67 miles, all the work necessary to complete the road, except the stone roadway upon 31 miles, is under contract, and in progress. The road is graded so that the ascents and descents will not, in any place, exceed two degrees. The width of the road bed, except along steep side hills, in deep cuts, and upon high embankments, is 40 feet. Upon one side of this, a stone roadway, 15 feet wide, consisting of a pavement, made of conical shaped stone, 8 inches deep, covered with finely broken stone to the depth of 4 inches, is laid. The other side is fitted for a summer road, to be used in summer, or when the ground is dry. Where the road is not graded wide enough for a summer road, the stone roadway is made 18 feet wide. The road is well drained, by good ditches and culverts. There are fourteen bridges upon this part of the road. They will cost, when finished, about \$65,000. The bridge over Green river has one span of 200 feet. The lower timbers of the superstructure, are 52 feet above the low water. The masonry of this bridge is nearly finished: the superstructure is partly framed. The bridge over the Rolling Fork, has one span of 176 feet. The lower timbers of the superstructure are about 31 feet above the low water. It is nearly finished. The bridge over the Beach Fork, near Bardstown, has one span of 200 feet. The bottom timbers of the superstructure are about 43 feet above the low water. The abutments are finished, or nearly so. The superstructure is framed, and partly put up. These are strong and substantial bridges. The contractors, Messrs. Morehead and Carothers, are entitled to credit for the faithful execution of their work, so far as it has progressed.

From Glasgow to the Tennessee line, 36 miles, the work necessary to complete the road, except one bridge, and the stone roadway upon 31 miles, is under contract and in progress. The grubbing is done, or nearly so, on the greater part of the distance. The grading is commenced on a good many of the sections, and upon some it is nearly finished. The maximum ascent or descent, upon this part of the road, like that between Bardstown and Glasgow, does not exceed two degrees, or about one foot in 28 6-10.—The width will be 35 feet, except along side hills, or in deep cuts and fills. The stone roadway will be laid in the same manner as that upon the part of the road between Bardstown and Glasgow; but it will be two feet wider. The summer road will be seven feet narrower. There are fourteen bridges upon this part of the road, estimated to cost \$31,004 50. The bridge over Big Barren river will be the largest. It has one span of 176 feet. The height of the lower timbers of the superstructure will be 34 feet above the

low water. But little progress has as yet been made towards its construction. The bridge over Skegg's creek will have one span of 100 feet: that over Peters' creek 75 feet: the one over Big Tramel, 60 feet. The other bridges will be smaller. No work has been done at the bridges over Skegg's or Peters' creeks, and but little upon any of the other smaller ones.

The work upon that part of the road between Bardstown and Glasgow, has been prosecuted, during the past season, with great energy. Between Glasgow and the Tennessee line, it was begun at a later period, and has not been prosecuted with so large a force, in proportion to the length of the road. The work now under contract upon the whole road, could perhaps be finished by the close of the year 1839, if funds were provided early enough to warrant the employment of a large force in the early part of the season.

ESTIMATED COST OF THE ROAD.

Work under contract from Bardstown to Glasgow, including bridges,	-	-	-	\$321,000 00
Work under contract from Glasgow to the Tennessee line, including bridges,	-	-	-	129,117 00
				<hr/> \$450,117 00
Estimated cost of work under contract between Bardstown and Glasgow, consisting of 31 miles of stone roadway,	-	-	-	125,003 00
Work not under contract between Glasgow and the Tennessee line, consisting of 31 miles of stone roadway, and not including Skegg's creek bridge,				92,000 00
				<hr/> 217,000 00
Estimated cost of the road from Bardstown to the Tennessee line, complete with bridges and a stone roadway along the whole distance,	-	-	-	667,117 39
Cost of the 29 miles of road between Louisville and Bardstown,	-	-	-	200,693 83
Estimated cost of the road from Louisville, via Bardstown, &c. to the Tennessee line, exclusive of the 10 miles next to Louisville, and exclusive of the cost of superintendence and contingent expenses between Bardstown and the Tennessee line,				<hr/> <u>\$867,810 83</u>

This estimate embraces the cost of a stone roadway along the whole distance, including the part which is not under contract. There are portions of the line upon which the soil is gravelly, and dry, where a road would be good during the greater part of the year, without a stone covering. There is a good deal of this dry gravelly soil, between Green river and Glasgow, and also between the latter place and the Tennessee line. The road could be made along the dry ground, and used for a time, without a covering of stone. It could be covered when the increased travel should require it.

In the reports of the presidents of the companies upon this line of road, no allowance appears to have been made for contingent expenses. Five per cent. upon the estimated cost of the road from Bardstown to the Tennessee line, viz: \$667,117—would be \$33,355. This sum would probably cover

the expenses of superintendence, and any extra work not embraced in the contracts.

This road was surveyed and located by Henry J. Eastin.

In compliance with an order of the board of the 23d of August last, Mr. Eastin was directed to superintend the work upon this road, as resident Engineer, and also the road from Louisville via Elizabethtown, Munfordsville, Bell's, Bowlinggreen and Scottsville, to the Tennessee line.

Turnpike road from Louisville to Frankfort.—The whole of this road is finished and in use. Twenty miles of it, on the Louisville end, belongs exclusively to an incorporated company. Of the remaining 32 miles, the stock belongs one half to the State.

This road is badly constructed, and it can never be kept in good repair, until the culverts and ditches necessary for draining it, are made. The cost of the road; amount of tolls received during the present year, and the expenses of repairs, as far as reports have been made, are shewn in the schedule marked A.

Turnpike road from Hardinsville, via Lawrenceburg, Harrodsburg, Danville and Stanford, to the Crab Orchard.—The whole length of this road is 61½ miles. In Franklin and Anderson counties, it is finished, with the exception of a few rods. In Mercer county there is 19½ miles finished, and 5½ miles under contract, and partly made. No report has been received from Lincoln county. The greater part of the road, however, in that county, is known to be finished.*

The unfinished work can all be completed next season, and probably before the end of the summer.

Tolls are collected upon the road, in Franklin and Anderson counties, and upon a part of the distance in Lincoln county. For the cost of the road, amount expended, tolls, &c. &c.—see schedule A.

Turnpike road from Bardstown to Springfield.—This road is finished, except about one eighth of a mile, and this is nearly done. The whole length is 18½ miles. The amount of tolls collected, is \$1,320; amount expended for repairs, \$250; for the amount paid, cost of the road, &c.—see schedule A.

Frankfort, Versailles and Lexington Turnpike road.—This road is finished and in use, and tolls are collected upon the whole of it. It has been in good order during the summer. No report has been made this year, of the amount of tolls, the expenses of repairs, or the cost of the road.

Versailles and Anderson Turnpike road.—This road is finished, or under contract from Versailles to the Kentucky river, 6½ miles. Of this, 5 miles

* By a statement from the President of the Board of Internal Improvement for Lincoln county, received since the date of the above report, it appears that there is of the Hardinsville and Crab Orchard road, in that county, 21 1-10 miles, of which about 18¼ miles is finished, and the balance under contract and not finished. There has been of tolls collected within the year, \$1,149 96.—Expenses of repairs, gate keepers, &c. up to the 30th Nov. last, \$663 36½. For the cost of the road, &c. &c.—see schedule A.

is reported finished, and $1\frac{1}{2}$ miles under contract and not finished. No part of the road on the west side of the Kentucky river is authorized to be put under contract. For the estimated cost, amount paid, &c.—see schedule A.

Turnpike road from Lexington, via Harrodsburg, to Perryville.—The whole length of this road is $42\frac{1}{2}$ miles. There is, finished, about 20 miles—6 miles of this is on the Lexington end of the road. The balance of the 20 miles is in pieces of less than 5 miles each. There is about 10 miles under contract and not finished, about 4 miles of which is graded. There is about $12\frac{1}{2}$ miles, including the Kentucky river bridge, not under contract. The superintendent of the road estimates this part to cost \$6,000 per mile, exclusive of bridges; and the bridge over the Kentucky river is estimated to cost \$24,000. It will probably cost, to build a bridge over the Kentucky river high enough not to interfere with the navigation of the river, at least \$50,000. The estimates of the other bridges appear to me to be too low. There has been no money received for tolls, and none expended for repairs. For the estimated cost of the road; amount expended, &c. &c.—see schedule A.

Danville, Lancaster and Nicholasville Turnpike road.—This road is all finished or under contract. From Lexington to the Kentucky river, except a small piece near the bridge, it is finished. From the bridge to Evansville, the road is not all graded: from Evansville to Danville, it is finished, except the bridge over Dick's river, and this is nearly done. From Lancaster, the road is all finished to its junction with the Danville branch. The abutments of the bridge over the Kentucky river are built, and the frame of the superstructure is put up, but not covered; and the floors are not laid. The report of the president of the turnpike road company states, that it will be put in a condition for the travel to pass over during the present winter; but as funds are not provided, it will not be finished. The report states that the whole road, although not finished, will be in a condition to be used by the first of January next. This road is graded 30 feet wide. The stone roadway is 18 feet wide: the stones for McAdamizing are broken, or are intended to be broken, so as not to exceed six ounces in weight; and they were laid on, upon a part of the road, 9 inches deep, and 10 inches upon the part which was last made.

The bridge over the Kentucky river is a little more than 70 feet high, above low water. It has one span of about 240 feet. The abutments are constructed of undressed stone. The one on the north side of the river, is pretty well built; the one on the south side, is not so good; the stones are large, but not so well laid. The work upon the superstructure, so far as it has progressed, is well done; and if what remains to be done is executed in the same manner, the bridge will be a very superior one.

The estimated cost of the road, including bridges, is \$7,359 20 per mile. For the aggregate cost of the road; tolls; expenses of repairs, &c. &c.—see schedule A. The estimated cost of repairs upon this road, for the coming year, is, according to the president of the company, not less than \$100 per mile.

Lexington and Winchester Turnpike road.—This road is $17\frac{1}{2}$ miles long. It is nearly finished. Gates are established and tolls have been collected during the present year, upon 16 or 17 miles. No report has been made

by the company, of the cost of the road, the tolls collected, or of the expenses of repairs.*

Richmond and Lexington road.—The whole length of the road will be $25\frac{1}{2}$ miles. From Lexington to the Kentucky river, about 15 miles, it is finished. There are 5 miles on the west side of the river under contract and not finished, and about $5\frac{1}{2}$ miles not under contract.

The five miles under contract is nearly finished. For the cost of the road; tolls; expenses of repairs, &c. &c.—see schedule A. The estimated cost of repairs for the coming year, is \$200 per mile.

The estimate for the road does not include the cost of a bridge over the Kentucky river. The expense of building one, high enough not to obstruct the navigation of the river, would be from forty to fifty thousand dollars. This should be added to the estimated cost of the road as given in the report.

Maysville, Washington, Paris and Lexington Turnpike road.—This road was finished in 1835. The distance from Maysville to Lexington is 64 miles. It has been kept in good order during the past summer. The bridge over the Licking river should be repaired without delay; and one or two small bridges between that and Millersburg, should also be repaired.—The wing walls of the bridge over Licking, were badly built. They have been forced out by the pressure of the earth against them, so that they lean over, considerably. They are prevented from falling, by ties and props of timber, and these are a good deal decayed. By direction of the Board of Internal Improvement, I prepared and sent a plan for securing these walls, to the superintendent of the turnpike company. It consisted in building buttresses, to be so connected with the old walls so as to sustain them. The plan has not yet been carried into execution. The superstructure of this bridge is in very good order. The repairs required at the small bridges are inconsiderable. There are other places upon the road, which were pointed out by the undersigned to the superintendent, where repairs and additions are necessary for its security.

The amount of tolls received from the 1st of October 1837, to the 1st of October 1838, is \$29,117 16—equal to \$454 95 per mile; and the expenses of repairs, pay of superintendent, gate keepers, &c., have been \$20,861 62—equal to \$325 96 per mile; for the other items, see schedule A. The turnpike road company have experienced some difficulty in obtaining materials to repair the road. The owners of land along some parts of it, will not permit quarries to be opened, or rock to be taken from their land. Others demand a very high price for it. The expenses of the past year includes the purchase of some quarries.

The stone roadway upon this road was made upon the McAdam plan. The

* The Lexington and Winchester turnpike road is finished. By a statement made by the President of the Company, subsequent to the date of the above report, the road is represented to have cost about \$5,058 per mile. There has been \$2,545 36 of tolls collected during the year; amount expended in repairs, \$1,508 89; estimated cost of repairs for the coming year, \$150 per mile.

The road is graded 30 feet wide, stone roadway $16\frac{1}{2}$ feet wide and 9 inches deep (McAdamized). For length of road, &c. &c.—see schedule A.

broken stone were laid down 20 feet wide and 9 inches deep. Where the road is well drained and kept dry, it wears well; but where it is not drained by culverts and ditches, heavy wagons cut through the stone covering.

Lexington, Georgetown and Covington Turnpike road.—This road is finished and in use from Lexington to Georgetown, 12 miles; from Georgetown to Florence, about 59 miles, it is not located; from Florence to Covington, about 10 miles, it is finished, or nearly so. No report has been made of the cost of this part of the road, or of the tolls, &c., for the present year.

The road from Georgetown to Lexington is well made, and has been kept in good order. There has been received within the year, for tolls, \$5,634 00—equal to \$469 50 per mile. The amount paid for repairs is about \$3,500—equal to about \$291 66 per mile. For the cost of this part of the road, &c. &c.—see schedule A.

As no report has been made from the Covington end of the road, the amounts in the schedule are taken from former reports, or from other sources of information. The part of the road not under contract, has not been located; the estimate is predicated upon a comparison with the known cost of other roads, over a similar country.

Turnpike road from Frankfort via Georgetown to the Bourbon County line.—This road is finished from its intersection with the Frankfort and Versailles road to Georgetown, about 16 miles; and there is about half a mile beyond Georgetown, under contract and not finished. This half mile includes a bridge over North Elkhorn creek; this is partly built. No report has been made from the part of this road in Scott county.*

A little more than 6 miles of this road is in Franklin county. Upon this there has been collected, of tolls, within the year, \$2,204 00; and the amount paid for repairs is \$820 00; expenses for gate keeper, \$284.

This road has been kept in pretty good repair during the year. It is now in good order. For the cost of the Franklin part of the road, see schedule A.

Maysville and Mountsterling Turnpike road.—The whole length of the road is estimated at 51 miles. Of this, 9 miles is finished; nearly 18 miles is under contract and not finished; and a little more than 24 miles is not under contract. From Maysville to Flemingsburg, the road is under contract and partly finished. Five miles between Sherbourne Mills and Sharpsburg, is under contract, and some part of it is finished; and there is five miles under contract between Sharpsburg and Mountsterling. There is between Mountsterling and Sharpsburg, about 5 miles not under contract, and a little more than 5 miles between Sharpsburg and Sherbourne Mills. From Sherbourne Mills to Flemingsburg, the distance is between 13 and 14 miles.—This is not under contract.

Of the road under contract, 6 miles is reported to have been graded, 4 of

* By a statement received since the date of the above report, it appears that there is, within Scott county, about 10 miles of the Frankfort and Georgetown road finished, and about 1 mile under contract and not finished. There is about 8 miles not under contract. The amount of tolls and cost of repairs are not given. The grade of the road is 30 feet wide; stone roadway 18 feet wide, and 9 inches deep. For cost of road, &c. &c.—see schedule A.

which is covered with stone. The grading on about 5 miles is about one half done. The balance is commenced, and the work is under way.

The undersigned examined this road in October. The work, so far as it had progressed, was generally well done. The maximum grades are $2\frac{1}{2}$ degrees. The stone roadway is upon the McAdam plan. It is 18 feet wide, 12 inches deep in the middle, and 8 inches at the sides.

No tolls have been collected, and there has been no money expended for repairs. On a part of the road, the report states that the collection of tolls will soon commence.

The cost of the work not under contract, is not embraced in the report from the turnpike road company. The estimate is predicated upon a comparison of the cost of other roads, which have been constructed through districts of country similar to the one over which this road is to be made.—\$47,000 is allowed for building a bridge over the Licking river, and one over Fleming's creek. For the cost of the road, amount paid, &c. &c.—see schedule A.

Maysville and Bracken Turnpike road.—The whole length of the road embraced in the charter is 17 8-10 miles. The distance from Maysville to Germantown is about 10 miles. No part of this road is finished. There is under contract from Maysville towards Germantown, nearly $8\frac{1}{2}$ miles. The contracts were made in August last, except for about half a mile, which was put under contract in 1837. The work, as stated in the report, is progressing very well.

For the estimated cost of the road, work done, or amount paid, &c.—see schedule A.

Owingsville and Big Sandy Turnpike road.—About 37 miles of this road is finished, and three miles is under contract, and not finished. There is about $38\frac{1}{2}$ miles embraced in the charter, not under contract, and not finally located.

The road which is finished and under contract, is in three parts. Next to Owingsville, there is ten miles finished and in use, and upon this a toll gate has been erected. Next to this is about 24 miles, not finally located; the next ten miles is finished, the next $14\frac{1}{2}$ miles is not finally located. Of the remaining 20 miles extending to the mouth of Big Sandy river, about 17 miles is finished; the remaining 3 miles is under contract.

The distance from Owingsville to the mouth of Big Sandy, is estimated at about $78\frac{1}{2}$ miles. The new road, so far as made, passes through districts of country where the greatest obstacles were presented to the travel. During the summer, carriages pass with tolerable convenience, over the parts of the old road, between the newly made portions. In winter, however, and during the wet seasons, these parts of the road will not be passable for loaded wagons. As there are no bridges upon the old road, all travel will be suspended, or partly so, during periods of high water.

There is a good deal of travel upon this route during the summer and autumn. If the portion of the road which is not under contract could be constructed, it would be of great advantage to the northern section of the State.

ESTIMATED COST OF THE ROAD.

Work finished and under contract, between Owingsville and the mouth of Big Sandy, including four bridges which are not under contract, but which are required to complete this part of the road, (\$10,550,) - - - - -	\$116,535 00
Estimated cost of the road not under contract, exclusive of the four bridges abovementioned, 38½ miles, - - - - -	90,850 00
Estimated cost of the whole road, - - - - -	207,385 00
The amount paid for work done, is - - - - -	87,649 82
Amount required to pay for the work finished and under contract, about - - - - -	\$19,041 00
Add for the four bridges not under contract, on the part of the road which is finished or in progress, - - - - -	10,550 00
Required amount to complete the 40 miles of road,	<u>\$29,591 04</u>

This road, so far as it has been made, is well located, and the work is generally well executed.

Bridge over the Rolling Fork of Salt river, at Newmarket; and Turnpike road thence over Muldrow's Hill.—This bridge will have one span of 150 feet. Its height above the low water of the river will be 28 feet. The abutments will be built of coursed rubble masonry, laid in common lime mortar. The superstructure will be built upon the Burr plan, and similar to the bridges upon the road from Louisville, through Bardstown, &c., to the Tennessee line.

By an order of the Board, of the 29th of June, proposals were invited, by public advertisement, for building this bridge. At a meeting of the Board at Bowlinggreen, on the 24th of August, the proposals were examined, and the contract was awarded to Morehead & Carothers. The bridge will cost, at the contract prices, about \$12,500. It is to be finished in 1839. The work was commenced about the middle of November.

The road, from the bridge, across the bottom, and over Muldrow's Hill, is 4.61 miles long. The estimated cost, including allowances made under the several acts of the Legislature, to Douglass & Knott, is - - - - - \$32,493 88

Estimated cost of bridge, as above, - - - - - 12,500 00

Estimated cost of road and bridge, - - - - - 44,993 88

Two and a quarter miles of this road is finished, and has been in use for some time. The balance is nearly finished.

There has been paid to Douglass & Knott, including allowance under the several acts of Assembly, - - - - - \$19,649 88

Paid to Sanders & Singleton, up to 10th Oct. - - - - - 6,717 25

Whole amount paid, - - - - - \$26,367 13

This road and the bridge will be constructed wholly at the expense of the State. The tolls collected during the past year, have not all been paid over to the agent of the State. The receipts after paying the gate keeper, and the expenses of repairs, are estimated at \$500; \$350 has been paid to the Secretary of Sinking Fund Commissioners. The work upon this road is under the direction of Henry J. Eastin, as resident Engineer.

State road from Mountsterling, through Prestonsburg and Pikeville to the Virginia line.—The improvements to be made upon this road, under the contract between the Commonwealth and Samuel May, Esq., are nearly finished. One or two of the bridges are not quite completed, or were not when the work was last examined.

There has been paid for work done under the contract of Samuel May, \$9,800. The whole amount expended upon this road, including payments for work done under former contracts, for making surveys, &c. up to the 10th of Oct. last, is \$17,338 28; paid subsequent to the 10th of October, \$5,164—making in all, \$22,502 28. The bridges between the lower crossing of Big Sandy river and Pikeville, have been constructed so as to be covered with water during the highest floods. They are built with stone abutments, as required by law. The superstructures are secured to the abutments by iron fastenings, in such manner as to prevent them from being lifted off by the water, or otherwise disturbed.

The whole length of this road, from Mountsterling to the Virginia line, is about 138 miles.

Road from Pikeville to the Sounding Gap.—The distance from Pikeville to the Sounding Gap, according to the survey, is 37 miles. The part of the road from Pikeville to the top of Island Hill, about 7 miles, has been made during the present year, by Thomas May. The contract price was \$3,000. The work is finished and paid for. The other side of this hill was improved in 1836. Wagons can pass conveniently over this road as far as it is graded. The balance is a good road for driving stock upon, as far as the Virginia line.

The whole amount of money expended upon this line of road, up to the present time, is \$6,114 69.

Repairs of Turnpike roads.—The 6th section of the act, entitled, an act further to provide for the Internal Improvement of the State, approved Feb. 16th, 1838, provides "That it shall be the duty of the Board of Internal Improvement to adopt the best and most economical mode of keeping the turnpike roads in repair: to furnish the companies respectively with the plan; and the Board of Internal Improvement shall require the Turnpike road companies not to make contracts for the repairs of the same, against the advice and consent of said board; who are hereby authorized, in all cases by them deemed proper, to cause an Engineer to superintend said repair; and to enable the board to discharge the duties herein specified, they are hereby authorized, in all elections of President, and directors or managers of the turnpike road companies respectively, to vote the stock of the State."

In compliance with this provision of the law, an order was made on the 17th February, directing the Chief Engineer to prepare plans and directions for the repairs of turnpike roads, and report them at the next meeting of the board, for their approval.

At the next meeting, a plan embracing forms of contracts was submitted, and approved. These forms were printed, and a copy of each was sent by the Secretary of the Board of Internal Improvement, to the President or superintendent of each turnpike road company. Copies of the plans and contracts are herewith communicated.

The plan has not generally been adopted. On some of the roads, contracts had been made for repairs prior to its adoption. On other roads it was objected to, on account of the difficulty of procuring faithful superintendents, and for other reasons.

The plan which has generally been adopted for repairing the turnpike roads in this State, has been to make contracts with individuals to quarry and break stones and put them upon the road, for a specified price per rod, (the rod is generally understood to contain $82\frac{1}{2}$ cubic feet). They are generally required to put on the stone at such points and in such quantities as the managers or superintendents of the road direct. Under this arrangement, the interest of the contractor is promoted, by procuring such rock as can be most easily broken. This is frequently soft and not well adapted to form a hard road. The broken stone should be put upon the road when the ground is wet and soft, and when it would effect the most good; but the contractor in most cases consults his own convenience as to the time of putting it on, and it is frequently done during the dry weather of summer, when the road surface is hard, and when the newly laid stone will form no connection with the old. In most cases, no provision is made to rake and keep this new stone covering smooth and even, until it is trodden down, and becomes connected with the old surface. There is, generally, no provision made for forming and clearing out ditches or culverts, and very little attention is devoted to draining off the water, without which no road can be kept in good order.

In the plan adopted by the board, it is proposed to have a superintendent upon each road, whose duty it shall be to employ workmen, if necessary, to put the road in good order, by making ditches, drains and culverts, and doing whatever else may be required to form a good road. He is then to make contracts with persons to furnish stone and to break it, for which they are to be paid by the perch or other measure: he is to make contracts with other persons to put on the broken stone, clear out the drains and ditches, and make all the ordinary repairs to the road, for a fixed price, by the mile, for a year or other specified time. The road is to be kept in good order, and delivered up at the end of the year, or other specified time, in as good condition, except the ordinary wear, as it was when it was placed under the supervision of such contractor.

Under this arrangement, it will be for the interest of the contractor, who makes the repairs, always to keep the road well drained and the surface even, so that carriages may pass all over it. When a rut begins to form, he can fill it up with less labor than will be required to repair the damage after the stone covering is cut through.

The mill, at Louisville, purchased for manufacturing hydraulic lime, has been in operation during the whole season, except when it was necessarily suspended for making repairs. A contract was made in February last, with John Hulme, Esq., to manufacture from five to ten thousand barrels, at the Tarrascon mills. Upwards of five thousand barrels have been manufactured under this contract. The price for grinding, storing and shipping the lime,

under this contract (the lime being burnt and barrels furnished by the State,) is 87 cents. The cost by the barrel, at the Commonwealth's mill, including barrels and all expenses except the cost of the mill, is \$1 65 per barrel.— There is now hydraulic lime enough manufactured, to furnish the works upon Green and Barren rivers, and also those upon the Kentucky river; and several thousand barrels for the Licking river navigation.

All which is respectfully submitted.

SYLVESTER WELCH,
Chief Engineer of Kentucky.

DIRECTIONS FOR REPAIRING TURNPIKE ROADS.

The following plan for repairing and superintending the turnpike roads in which the State has an interest, is respectfully submitted for the approval of the Board of Internal Improvement.

SYLVESTER WELCH,
Chief Engineer of Kentucky.

1st. That the Board of Managers or Directors of each turnpike road company, appoint one or more efficient Superintendents, whose duty it shall be, to direct and superintend all the work necessary for the repairing of the road, or division of road, under his superintendence: and to make all contracts for labor and for the delivery of materials: to measure the work when admeasurement is required, and to make estimates of its value under the terms of the contract. The Superintendent to be bound by his agreement with the turnpike road company, to perform the several duties set forth therein, in a manner satisfactory to the Board of Managers or Directors, and in compliance with the written instructions from time to time given, of the State Engineer.

2d. It shall be the duty of the Superintendent to employ, with as little delay as practicable, competent foremen and as many laborers as may be required to build the culverts and to form the drains and ditches necessary to drain the road: to fill up the ruts and to level the surface of the roadway, so as to put it in order for summer travel. The foreman and laborers to work under the immediate direction of the Superintendent, and to be paid by him, or by the Treasurer, out of the funds of the turnpike road company, to be appropriated for that purpose.

When the ditches, drains, &c., are finished, and the road leveled and put in order, the foreman and laborers may be dispensed with, and the labor, &c. necessary to keep it in repair, may be done under contracts.

3d. It shall be the duty of the Superintendent, to make contracts with individuals, to furnish, quarry and deliver stone at such points along the road as he may select: the stones to be placed upon the side of the road, and not on the graded surface, and to be broken into pieces as nearly cubical

as practicable, and the largest of which, shall not exceed five ounces in weight. The stones when broken, to be left in piles of the form and dimensions specified in the contract, or which may be directed by the Superintendent. No stone should be placed or broken on the graded bed of the road.

4th. It shall be the duty of the Superintendent, to make contracts with individuals, not concerned in the breaking of the stone, to repair the road by putting on new materials wherever they may be required for ordinary repairs, to fill up ruts as soon as carriages begin to form them, and to rake and level the surface of the road, and to keep it at all times smooth and even, so that wheels may pass with equal facility over all parts of it: and to keep the ditches, drains and culverts, clean and free from obstruction, and in a condition to pass off the water.

The contract should specify the particular kind of work to be done: the time and manner of doing it; the price by the rod, pole or mile, for making the ordinary repairs one year; the time and manner of making payment. They should, also, specify a certain sum which the contractor should forfeit to the company, in the event of neglect on his part, to comply with the conditions of his contract.

5th. When the stone covering of any portion of the road becomes worn, so as to be two weak to sustain the travel, it shall be the duty of the Superintendent to make a separate contract with the contractor, for making ordinary repairs, or with some other person, to put a covering of broken stone upon that portion of the road, of such depth and width as he, the Superintendent may direct, or as the State Engineer may deem necessary. The broken stone to be put on and leveled, so as to be of a uniform thickness, and raked and kept even and level for one month, after which, it should be kept in order under the contract for ordinary repairs.

6th. All the stone used for repairing and covering the road, should be hard compact limestone, or other strong stone, which will not disintegrate or crumble to pieces when exposed to the action of the frost and the weather.

7th. When the work to be executed under any contract, shall have been finished, or at such other time or times as may be fixed by the agreement between the contracting parties, it shall be the duty of the Superintendent to make an estimate, and give to the contractor a certificate, directed to the Treasurer of the turnpike road company, stating the amount and value of the work done, and the amount, so certified, shall be charged in the books of the Superintendent, as a debit against the work done. The contractor will obtain the money due upon his certificate from the Treasurer at his own expense. In all cases said certificate should be approved by the Board, or its authorized agent, before the money is paid to the contractor.

At a meeting of the Board of Internal Improvement, on Saturday, 17th February, 1838, present,

CHILTON ALLAN, *President*,
JAMES R. SKILES,
ARCHIBALD WOODS.

On motion, it is ordered, that the Chief Engineer be instructed to prepare specifications or directions for the repair of turnpike roads, and submit them to the Board of Internal Improvement, and if approved of by them,

that he cause copies of the same to be transmitted to the Board of Managers or Directors of each turnpike road in which the State has an interest, or to the President, Superintendent or Engineer thereof, requiring them to conform to the directions given.

And at a subsequent meeting of the Board of Internal Improvement, on Friday, 11th May, 1838, present,

JAMES T. MOREHEAD, *President*,
MANLIUS V. THOMSON,
ARCHIBALD WOODS,
JAMES R. SKILES.

S. Welch, Esq. the Chief Engineer, submitted to the Board, in obedience to an order of the 17th of February last, a plan for repairing turnpike roads, which is approved of, and ordered to be printed and distributed.

Copied correctly from the minutes of the Board of Internal Improvement.

AUSTIN P. COX,

Secretary Board of Int. Imp.

CONTRACTS FOR REPAIRING TURNPIKE ROADS.

MEMORANDUM of an agreement entered into this — day of — A. D., one thousand eight hundred and —, by and between the — of the first part, and — of the second part: WITNESSETH, that for, and in consideration of the covenants and payments hereinafter mentioned, to be made, the said — does hereby agree and engage to accept the appointment of Superintendent of the — turnpike Road, and to superintend and manage the repairs of said road, and to do all other things connected therewith, in the manner hereinafter described, for the term of —, unless sooner discharged by order of the — as hereinafter provided.

It is agreed and understood, that it shall be the duty of the said — to execute all the orders of the said — which relate to the repairs or management of said road; to employ workmen, and direct and superintend the execution of the work, whenever directed to do so by the said —; to make contracts with individuals to furnish materials, and to perform the labor necessary for repairing the road, which contracts shall be made in conformity with the directions of the State Engineer, approved by the Board of Internal Improvement of the State, and in conformity with the orders of the — aforesaid: and further, that the said — shall superintend the work to be executed under the contracts which he shall make; be judge of the work, and make estimates of its amount and value, at such time or times, as the contract shall prescribe, or as the — may direct.

It shall further be the duty of the said — to keep a book or books, which shall be the property of —, in which, he shall make a record of all contracts, and of all the admeasurements of work, certificates given for work done, and of such transactions connected with his business, as the said — shall deem necessary: and the said book or books, shall be deposited, and kept at such place as the said — may direct.

In consideration of the services so rendered, — agrees to pay to the said —, as a full compensation for his services and expenses, the sum of

—— dollars per month, for the time during which he is actually engaged in the superintendence of the road.

It is mutually agreed by the parties to this contract, that the said —— shall, at all times, comply with, and execute the orders of ——, and that the said —— shall have power and authority to dismiss the said —— at any time, when in the opinion of the said —— he shall neglect his duties as Superintendent, or fail to comply with, and execute the orders of the said Board.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year above mentioned.

MEMORANDUM of an agreement entered into this —— day of —— A. D., one thousand eight hundred and ——, by and between —— of the first part, by —— Superintendent, and authorized agent of said Board, and —— of the second part: WITNESSETH, that for and in consideration of the payments hereinafter mentioned, to be made, the said —— hereby agrees to furnish, quarry and deliver upon the —— mile, or —— of the —— at such points, along the side of the road, as the Superintendent aforesaid shall designate, —— perches of hard, compact limestone, or other hard strong stone, which shall be of a quality which the said Superintendent may deem suitable for repairing the road. The stone to be delivered, so as to be distributed as nearly equal as may be, along the whole extent of the road embraced within this contract, and they are to be laid up in piles, of such form as the Superintendent may direct, so that they may be conveniently and correctly measured.

It is understood that no piles of stone are to be placed, under any circumstances, upon the graded bed of the road, and no obstruction of any kind is to be placed in the way of travel.

It is further agreed, that, in consideration for the stone so delivered, the said Board hereby agrees to pay to the said —— the sum of —— for every perch of twenty five cubic feet. The payments to be made in the following manner: When the stone are delivered and piled up according to the direction of the Superintendent, he shall examine them, and if he approve of the quality of the stone, and of the manner and place of delivery, he shall measure them, and give the contractor a certificate, stating the amount and value of the stone so delivered, which certificate, after having been approved by the said Board, or any person authorized by them, shall be paid by the Treasurer, —— when the certificates is presented, and the balance —— . It is further understood and agreed, that, if in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing, to the Board, and with their consent, he may declare the contract forfeited, and proceed to re-let the work in the same manner as if the contract so forfeited, had never existed. But the Superintendent, shall estimate the work already done, and after deducting an amount equal to the damages, the said Board will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year above mentioned.

MEMORANDUM of an agreement made this — day of — A. D., one thousand eight hundred and — by and between the — of the first part, by — Superintendent, and authorized agent of said Board, and — of the second part: WITNESSETH, that for and in consideration of the payments hereinafter mentioned, to be made, the said — agrees to break the stone or rock lying in piles along the road-side between the —.

The work to be done in the following manner: the number of perches of stone in each pile as delivered, is to be ascertained before the breaking is commenced. The stone are to be broken into pieces as nearly cubical as practicable, and the largest of which, shall not exceed in weight, five ounces. The stones when broken, are to be left in long regular piles, whose width shall not exceed — inches at the bottom. The piles are to be arranged in such manner as the Superintendent may direct. And the said Board hereby agrees to pay, in consideration of the work so to be done, the sum of — cents, for each and every perch of twenty five cubic feet, measured and broken as above described.

The payments are to be made in the following manner: when the stone are broken and piled up as above required, the Superintendent shall examine them, and if they are broken and piled in the manner described in this contract, he shall make an estimate, and give to the contractor a certificate, stating the amount and value of work done, or stone broken, which certificate, after having been approved by the said Board, or any person authorized by them, shall be paid by the Treasurer — when the certificate is delivered, and the balance —.

It is understood and agreed, that no payments shall be made for breaking stone under this contract, until all the stones in each and every pile or place, shall have been broken into pieces, the largest of which shall not exceed 5 ounces in weight, and it shall be the duty of the Superintendent, to reject all piles of broken stones which contain pieces that weigh more than five ounces. The work to be executed under this contract, to be commenced on or before the — day of — and finished on or before the — day of —.

It is further understood and agreed, that if, in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing to the Board, and with their consent, he may declare the contract forfeited, and proceed to re-let the work, in the same manner as if the contract so forfeited, had never existed. But the Superintendent shall estimate the work already done, and after deducting an amount equal to the damages the said Board will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year above mentioned.

MEMORANDUM of an agreement entered into this — day of — A. D., one thousand eight hundred and — by and between the — of the first part, by — Superintendent, and authorized agent of said Board, and — of the second part: WITNESSETH, that for, and in consideration of the payments hereinafter mentioned, to be made, the said — agrees to make all the ordinary repairs upon that part of the — turnpike road, which lies between —.

The work to be done in the following manner, viz: the ditches and culverts are to be kept clean and free from obstruction, so that water may run off as it falls, and not be suffered to collect and stand in pools, either upon the road, or along the side of it.

The surface of the roadway is to be kept smooth and even, by filling up the

rut's and other depressions with broken stone, and it is to be so made, that carriages may pass with equal facility over all parts of the stone surface. The summer road, where one has been formed along side of the stone road-way, is to be kept in repair by filling up the rut's and holes with gravel, and by levelling, so as to keep an even surface.

The repairs of the summer road, shall be so made, as to raise the side towards the stone road-way a little higher than the side towards the ditch, in order that the water may run off. The broken stone, which will be furnished by the ——— for making the ordinary repairs, may be taken from the piles on the road-side nearest to the place to be repaired. They are to be put on in all cases, when the road is wet and soft, whether used for the purpose of filling up rut's, or for raising the low places in the road, and they are to be raked and kept level, until they become embeded into, and united with the road. It is understood and agreed, that the said ——— shall keep as many laborers upon the road during the wet seasons of the year, as also, at all other times as may be necessary to keep the road in good order, and that the Superintendent shall have power, if in his opinion the number of laborers at any one time are not sufficient to do the necessary work, to keep the road in good order, and prevent permanent injury to any part of it, to order an additional number of hands to be employed, and the said ——— shall employ them forthwith, and shall engage them at work upon the road, so long as their services may be deemed necessary.

It is further agreed, that the said ——— shall deliver up the road, at the expiration of his contract, in as good order as he received it, except so far as relates to the uniform wear of the surface, and the general decay of the mechanical work. And the said ——— hereby agrees to pay to the said ———, in consideration for the work so done, the sum of ———, for each and every lineal rod or pole, embraced within said contract, which sum, shall be regarded as full compensation for all and every expense incurred by the said ———, in repairing said road.

The payments to be made in the following monner: at the expiration of ——— months from the date of this contract, the Superintendent shall examine the road, and if it is found to be in good order, and the repairs to have been made in the manner required by this agreement, and the directions for the repairs of turnpike roads, approved by the State Board of Internal Improvement, he shall give the contractor a certificate, stating the amount and value of work done, which value shall be taken at ——— of the contract price, for the whole time specified in this contract, and the certificate, after having been approved by the ——— or other person authorized by the said Board, shall be paid by the Treasurer ——— when the certificate is delivered, and the balance ———.

It is further understood and agreed, that if, in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing to the Board, and with the consent of the Board, he may declare the contract forfeited, and proceed to re-let the work, in the same manner as if the contract so forfeited, had never existed. But the Superintendent shall estimate the work already done, (at the time of such forfeiture,) and after deducting an amount equal to the damages the ——— will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

It is further understood and agreed, that the said ——— will comply with the directions from time to time given, by the Superintendent of the road for the time being, and with the regulations for the repairs of turnpike roads prepared by the State Engineer, and approved by the State Board of Internal Improvement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year above mentioned.

STATEMENT Exhibiting the Length, Cost, &c., of the several Turnpike Roads in which the State has an interest ; of the improvement of Rivers, by Locks and Dams, for Steamboat navigation ; improvement of Rivers for descending navigation, &c.

[To face page 104—App. to S. J.]

LINES OF ROAD, RIVER NAVIGATION, &c.	BY WHOM MANAGED OR SUPERINTENDED.	Length of road or other improvements.	Length finished.	Length under contract and in progress.	Length not under contract.	Amount paid by the State up to Oct. 10, 1838.	Amount paid by individuals.	Total amt. paid.	Cost of the finished part of each road per mile.	Estimated amount required to finish each road, river, &c. under contract.	Estimated amount required to construct the portion of each road or river not under contract.	Estimated cost of each road, &c. improvement, &c. when finished.	Amount of tolls on each road, &c. during the year 1838.	Amount of tolls per mile received during the year 1838.	Amount expended for repairs during the year 1838.	Amount expended per mile for repairs during the year 1838.	REMARKS.
		Miles.				Dollars.											
Turnpike road from Louisville, via the mouth of Salt river, Elizabethtown, Manfordsville, Bowlinggreen, and Franklin, to the Tennessee line, -	Constructing under the direction of the Louisville Turnpike Road Company, -	145.63	12.	112.11	21.49	70,778 00	54,129 00	124,907 00	5,532 08	464,011 46	392,333 92	981,282 38	1,778 52	148 21	1,510 99	128 41	
Turnpike road from Louisville, via Bardstown, Glasgow, and Scottsville, to the Tennessee line—(ten miles on the Louisville end belongs exclusively to a company.) -	Under the direction of Bardstown and Louisville, and Bardstown and Green river, and Bardstown, Glasgow, and Scottsville Turnpike Road Companies, -	Com. 10 State, 132 — 142.	39.	103.	-	226,358 00	162,624 00	388,982 00	6,551 50	275,441 66	232,050 00	896,173 66	-	-	-	-	Stoning and bridge not under contract.
Turnpike road from Louisville, via Shelbyville, to Frankfort—(about twenty miles on the Louisville end belongs exclusively to a company.) -	Under the direction of Boards of Internal Improvement in Franklin and Shelby counties, -	Com. 20 State, 32 — 52.	52.	-	-	65,000 00	65,000 00	130,000 00	4,062 50	-	-	130,000 00	21,047 74	657 74	21,152 58	670 39	
Turnpike road from Harrodsville, via Lawrence, Harrodsburg, and Stanford, to the Crab Orchard, -	Under the direction of Boards of Internal Improvement in Franklin, Anderson, Mercer and Lincoln counties, -	61.66	53.16	8.19	.01	156,292 00	118,511 00	274,806 00	5,240 11	40,727 47	78 40	315,611 87	1,875 82	143 67	963 37	67 22	No full return. Toll only reported for Franklin and Lincoln counties.
Turnpike road from Bardstown to Springfield, -	Under the direction of the Springfield and Bardstown Turnpike Road Company, -	18.50	18.37	13	-	60,450 00	58,250 00	118,700 00	6,709 21	-	-	124,120 50	1,032 00	55 78	250 00	13 51	
Turnpike road from Frankfort, via Versailles, to Lexington, -	Under the direction of the Frankfort, Lexington and Versailles Turnpike Road Company, -	26.72	26.72	-	-	78,372 00	78,372 00	156,744 00	-	-	-	156,744 00	-	-	-	-	
Turnpike road from Versailles to the Kentucky river, -	Under the direction of the Versailles and Anderson Turnpike Road Company, -	12.20	5.	1.20	6.	11,070 00	14,070 00	25,140 00	5,700 00	-	-	-	-	-	-	-	
Turnpike road from Lexington, via Harrodsburg, to Perryville, -	Under the direction of the Lexington, Harrodsburg and Perryville Turnpike Road Company, -	42.50	20.	10.	12.50	52,312 00	52,312 00	104,624 00	6,000 00	125,000 00	84,176 00	313,800 00	-	-	-	-	Including bridge over Kentucky river
Turnpike road from Lexington, via Nicholasville and the mouth of Hickman creek, to Danville and Lancaster, -	Under the direction of the Danville, Lancaster and Nicholasville Turnpike Road Company, -	41.86	37.	4.86	-	131,454 00	131,452 00	262,906 00	7,358 24	45,110 09	-	308,016 09	6,601 00	178 48	4,200 80	113 53	Including bridge over Kentucky river.
Turnpike road from Lexington to Winchester, -	Under the direction of the Winchester and Lexington Turnpike Road Company, -	17.53	17.53	-	-	41,645 00	41,645 00	83,290 00	5,058 00	-	-	-	2,515 36	145 20	1,508 89	86 07	
Turnpike road from Lexington to Richmond, -	Under the direction of the Richmond and Lexington Turnpike Road Company, -	25.50	15.	5.	5.50	54,820 00	58,879 00	113,699 00	6,117 00	9,211 00	35,000 00	157,910 00	4,050 00	270 00	2,375 09	158 31	Exclusive of bridge over Ken. river.
Turnpike road from Lexington to Maysville, -	Under the direction of the Maysville, Washington, Paris and Lexington Turnpike Road Company, -	61.	64.	-	-	213,200 00	213,200 00	426,400 00	6,662 50	-	-	426,400 00	29,117 16	454 95	20,861 62	325 96	
Turnpike road from Lexington, via Georgetown, to Covington, -	Under the direction of the Covington and Lexington Turnpike Road Company, -	80.89	22.14	-	58.75	60,255 00	60,255 00	120,510 00	6,570 83	8,390 00	348,000 00	491,000 00	10,981 53	498 43	4,384 67	189 45	
Turnpike road from Frankfort, via Georgetown, to the Bourbon county line, -	Under the direction of Boards of Internal Improvement in Franklin and Scott counties, -	25.13	16.13	1.	8.	52,021 00	52,021 00	104,042 00	6,520 65	15,147 56	51,000 00	170,189 56	2,204 00	359 54	1,104 00	180 09	Report from Franklin county only relative to tolls.
Turnpike road from Maysville, via Pleasantburg, to Maysville, -	Under the direction of the Maysville and Mountsterling Turnpike Road Company, -	51.	9.	17.83	21.17	31,259 00	31,259 00	62,518 00	5,091 00	112,891 65	158,791 00	331,113 65	-	-	-	-	Including Licking river, and other bridges.
Turnpike road from Maysville to Germantown, -	Under the direction of the Maysville and Bracken Turnpike Road Company, -	17.81	-	8.42	9.39	-	-	-	-	50,865 00	45,038 00	95,903 00	-	-	-	-	
Turnpike road from Owingsville to the mouth of Big Sandy river, -	Under the direction of the Owingsville and Big Sandy Turnpike Road Company, -	78.50	37.	3.	38.50	81,200 00	12,630 00	96,830 00	2,135 00	9,705 00	90,850 00	197,385 00	-	-	-	-	Exclusive of Licking river bridge.
Turnpike road from the Rolling Fork, at Newmarket, over Muldrow's Hill, -	Under the direction of the State Board Internal Improvement, -	4.61	2.27	2.34	-	26,367 13	-	26,367 13	8,791 53	41,029 38	-	-	-	-	-	-	Including width of Rolling Fork.
State road from Mountsterling to the Virginia line, -	Under the direction of the State Board Internal Improvement, -	138.	-	138.	-	17,392 28	-	17,392 28	-	5,364 00	-	22,756 28	-	-	-	-	Improvements in the road.
Road from Pikeville to the Sounding Gap, -	Under the direction of the State Board Internal Improvement, -	37.	-	37.	-	4,114 09	-	4,114 09	-	2,000 00	-	6,114 09	-	-	-	-	
Road from the mouth of Troublesome creek to the Sounding Gap, -	Under the direction of the State Board Internal Improvement, -	-	-	-	-	731 50	-	731 50	-	-	-	-	-	-	-	-	
Kentucky river navigation, -	Under the direction of the State Board Internal Improvement, -	92.	-	92.	-	177,249 69	-	213,249 69	-	488,155 31	-	701,405 00	-	-	-	-	
Licking river navigation, -	Under the direction of the State Board Internal Improvement, -	51.	-	51.	-	13,537 30	-	21,725 50	-	469,774 50	-	491,500 00	-	-	-	-	
Green and Barron river navigation, -	Green river Commissioners, -	175.	-	175.	-	411,874 15	-	431,874 15	-	48,125 85	-	480,000 00	-	-	-	-	Part of this amount has been expended on the tributaries of these rivers.
Cumberland river, -	State Board of Internal Improvement, -	-	-	-	-	2,000 00	-	2,000 00	-	23,000 00	-	25,000 00	-	-	-	-	
Goose creek and the South Fork of Kentucky river, -	State Board of Internal Improvement, -	-	-	-	-	2,500 00	-	2,500 00	-	3,500 00	-	6,000 00	-	-	-	-	
Lexington and Ohio Railroad, -	Lexington and Ohio Railroad Company, -	-	-	-	-	200,000 00	618,278 07	818,278 07	19,457 00	-	-	-	-	-	-	-	
Green river Railroad, -	-	-	-	-	-	1,903 00	1,903 00	3,806 00	-	-	-	-	-	-	-	-	
Crab Orchard and Cumberland Gap road, -	State Board of Internal Improvement, -	-	-	-	-	1,219 75	-	1,219 75	-	-	-	-	-	-	-	-	
Removing fish dams, &c. in the Kentucky river and its tributaries, -	State Board of Internal Improvement, -	-	-	-	-	4,735 00	-	4,735 00	-	-	-	-	-	-	-	-	
Hydraulic lime, -	-	-	-	-	-	64,188 20	-	-	-	-	-	-	-	-	-	-	Distributed among the Kentucky, Green, Barren, and Licking river navigations.
Surveys, -	-	-	-	-	-	11,702 54	-	11,702 51	-	-	-	-	-	-	-	-	
Salaries of Engineers and Secretary, -	-	-	-	-	-	40,666 60	-	40,666 60	-	-	-	-	-	-	-	-	
General Expenses, -	-	-	-	-	-	9,507 21	-	9,507 21	-	-	-	-	-	-	-	-	
Unexpended balance in hands of Engineers, -	-	-	-	-	-	6,834 35	-	6,834 35	-	-	-	-	-	-	-	-	
		1,401.04	446.62	770.11	184.31	2,392,008 79	1,827,793 07	4,219,801 86									



REPORT
OF
THE BOARD OF COMMISSIONERS
OF
GREEN AND BARREN RIVER NAVIGATION.

FRANKFORT, 29th Nov. 1838.

JAMES T. MOREHEAD, Esq.,
President of Board of Internal Improvement:

DEAR SIR:—I have the honor, herewith, to submit the report of A. Livermore, Esq., Resident Engineer, upon the line of public works on Green and Barren rivers, and the account current of the Board which has charge of that work.

For the present condition of the locks and dams, and the removal of obstructions from the pools, you are respectfully referred to the first; for the amount of money disbursed upon the line, up to November 29th, to the second.

The weather having been good, the work has, of course, been progressing since the date of the above referred to reports. An appalling accident, attended with the loss of fifteen lives, at No. 3, will, without doubt, suspend, for a time, the closing operation of gravelling the dam at that location; but in the mean time it is entirely secure and available for all the purposes of navigation.

At No. 2, the work, including head race and gates for water power, is complete; and only awaits the final estimate of the Chief Engineer, in conformity with an act of the last Legislature, for the relief of the contractors at this point. Of the result of the sales of water power at this dam, I am not yet apprized, it having occurred since my departure for this place. The race and gates are not yet under contract at dam No. 3, although there has, probably, been power sold at that point. A liberal grant of land has been obtained and the race &c. will be put under contract at as early a date as practicable. No proposition has yet been made to the board, to which they were willing to accede, for the construction of this water way.

At No. 1, in Barren river, ten acres of land have been released to the Commonwealth, and five acres purchased for the use of the surplus water.

Seven acres of land have been purchased at No. 4 for a race and mills.

No. 1, Green river, can be completed during the year 1839, with a favorable season and great energy. From this dam to the Ohio, the channel has been cleared of snags and the banks of stooping trees.

The same work has been effected, to a considerable extent, on the pools extending from No. 1 to No. 2, and from No. 2 to No. 3. The chopping on pools three and four is not yet completed, and some blasting remains yet to be done above No. 4, on the Green river branch.

Upon all of these pools there will be new obstructions formed for a few years, for the removal of which, provision must be made from time to time; and it is not improbable, that during the next year the Board will adopt the plan of removing the timber from the banks, as the most effectual and economical mode of getting over the difficulty.

From the report of the secretary of the Board, you will perceive that \$146,257 16 have been expended during the year ending 22d instant; and that \$218,429 51 have been previously expended by this Board. Total expenditure upon five works, and intermediate pools, \$364,686 67. Add to this \$20,927 52 paid for the Board of Internal Improvement for works not under the charge of this Board, and \$23,605 43 still on hand, and you have \$409,219 62, the total amount received by this Board from all sources, (including \$46 62 received for boat stores sold,) since the commencement of this work. This line of works is, however, chargeable with \$2,701 15, paid by the Board of Internal Improvement for the transportation of water lime, &c., which explains the discrepancy between the amount received by this Board and that charged to the Green and Barren river navigation, by the Board of Internal Improvement. All of which is respectfully submitted, by order of the Board.

JAS. R. SKILES, *P. B. G. & B. R. Com'rs.*

ENGINEER'S REPORT on Green and Barren River Navigation.

BOWLINGGREEN,
Nov. 20, 1838. }

TO JAMES R. SKILES, Esq., *President*
of the Board of Green and Barren River Commissioners:

SIR:—In compliance with your request I have the honor to report the present state of the improvements, now being constructed, upon the Green and Barren rivers, under the charge of the Board of Commissioners over whom you preside.

The season past has been unusually dry since the fore part of August. The streams therefore have been at a very low stage, affording great facilities for building the locks and dams, since that time up to the present.

Unfortunately for lock and dam No. 1, located at Spotts' Falls, near the Ohio river, a great amount of sickness has prevailed during the favorable part of the season; two hundred cases of sickness are reported by the contractor, as having taken place, during the last four months, upon this job—almost a total suspension of operations was the consequence. The place has now become healthy, and a force is rapidly being collected; about 50 hands are now employed, and I hope to give you a good account of winter operations. I have directed the contractor to make his calculation to build during the winter, whenever the weather will permit. This course I consider necessary, on account of the general unhealthiness of the situation during the summer and fall months.

The masonry of the lock is commenced—only 75 perches yet laid, but I hope before the 1st of April we can have 2,000 perches laid; if this can be done, the lock can be built before the time of the sickly season arrives. A coffer dam is now erected, 20 feet high, which, with the steam engine to pump, will prevent any hindrance by high water, except in very high floods, which, of course, will be of short duration. I think, with a favorable season, we may complete this work in another year.

Lock and dam No. 2, and lock and dam No. 3 are completed—some extra work and the gravelling of the dams not yet complete. Eighty three miles of navigation is afforded by these two works. Much credit is due the contractors for the zeal and energy manifested in pushing these jobs to a final termination. Lock and dam No. 2 had been, throughout, surrounded with great difficulties, all of which have been surmounted, although at a great sacrifice of time and money.

Lock and dam No. 4 have been prosecuted vigorously for the most part of the season. Some hindrance was given to this job by the death of the contractor, Major M. W. Henry, who died last summer. The public have sustained great loss by the death of Major Henry. In him were united industry, honesty, and great energy. Such men should be appreciated, as their services are of great use to the public. The work is now being prosecuted by George W. Henry, son of the late contractor. In him, I trust, the Board will find qualifications superior to his age. He has been associated with his father from the commencement of the work, and is fully acquainted with the details of the contract. I think this work can be easily completed during another season.

The work at lock and dam No. 1, in Barren, is being done as rapidly as the times will admit. This work was much hindered by the character of the foundation for the lock. Much water issued into the pit, and caused great expense in bailing, while the lower excavation of the pit was being done, and the timber foundation and lower courses were being laid. These difficulties have been encountered and overcome by the contractor. He has now laid 1,930 perches of masonry in the lock, and the materials are nearly all provided for both lock and dam. Considerable sickness prevailed at this point, also, greatly hindering the progress of the work. Much credit is due the contractor for his energy in pushing forward this work through the difficulties named. I think this work can easily be completed in another year.

The cutting of the timber off of the banks, and snagging the channels of Green and Barren rivers is a work which has been prosecuted slowly. Hereafter, I would recommend that this work be done by a superintendent, and

not by contract. We find it almost impossible to get this work faithfully done by contract.

It will be necessary to be prepared to take out snags, upon the pools, as they may be thrown into the channel. Much timber is yet growing upon the banks of Green and Barren rivers, and tributaries, which cannot at once be removed without too great an expense. A snagboat, I think, should be built forthwith. If a steam snagboat should be built, would it not be well to make her capable for towing? Many flatboats will likely be run out in a low stage of the river; and, if no means are provided for towing, it will be quite a difficult matter, as there will be no current to assist in running out. A charge sufficient to keep up the expenses of the boat should be paid by the owners of the flatboats.

Considerable work has been done toward preparing for the sale of water-power at lock No. 2. The abutments and head gates are completed. The canal, or head race, is in such a state of forwardness as to insure its completion as it may be wanted for mills now erecting. William Eidson has the contract for excavating the race below the abutments. That part which extends to a point where the water is to be taken out for the upper mill, is to be done this winter; the balance another season. For the first he is to be paid twenty five cents per cubic yard; and the latter, twenty two cents. The cost of the whole work will amount to about \$12,000.

I think the works at the other dams will cost an equal amount, in order to render the whole water power available. If these works are put under contract, an appropriation for this purpose will be required. \$39,000 will be wanted for this object. The original estimate was calculated only for the abutments and head gates, with the necessary excavation to those points. This was deemed sufficient to place the water power in a situation to be made available at any time thereafter; but authority being given to sell the water power, the canal must at once be extended to the desired point.

Four lock houses are now under contract, viz: At No. 1 in Green river, No. 2, No. 4, and No. 1 in Barren. Wm. Brown has the contract for the first and last. C. D. Ward has the one at No. 2, and M. W. Henry the one at No. 4. The prices vary from 1530 to \$1700. The houses are to be built of brick or stone, as the case may be.

The estimates made and returned for works under the charge of your Board, stand as follows, viz:

Lock and dam No. 1 in Green river,	-	-	\$44,255 07½
Lock and dam No. 2 do.	-	-	70,328 64
Lock and dam No. 3 do.	-	-	76,716 75
Lock and dam No. 4 do.	-	-	63,385 87½
Lock and dam No. 1 in Barren,	-	-	55,524 50
Total, locks and dams,			\$310,210 84
Clearing banks of Green river, from dam No. 1 to dam No. 3,	-	-	3,820 00
Clearing banks of Green river, from dam No. 3 to dam No. 4,	-	-	2,795 00
Clearing banks of Barren, from mouth to Double Spring,	-	-	4,000 00
Amount carried forward,			320,825 84

Amount brought forward,	-	320,825 81
Lock house at lock No. 2,	- - - -	1,104 30
Head gates and abutments for water power at lock No. 2,		6,282 60
Total estimate, - - - -		328,212 74
Deduct amount estimated last year, - - - -		192,944 76
Amount estimated this year, - - -		<u>\$135,267 98</u>

There has been considerable increase in the extra work. The order of the Board requiring a coffer dam, and steam engine for pumping, and pumps for lock No. 1, in Green river, under the advice of Sylvester Welch, Esq., Principal Engineer of the State, has been fulfilled. The coffer dam has been built, and the engine and pump put into operation. The expense attending this, will amount to about \$5000. The protection walls, advised by Mr. Welch, if built, will add considerably to the several jobs in the expense. I, however, believe that money enough is now appropriated to complete the works, which will be required, except for the water power, which, as before stated, will require a further appropriation of \$39,000.

The suggestion of Mr. Welch relative to a double timber and plank foundation at lock and dam No. 1 in Barren, has not been adopted. The delay and expense attending this plan, induced me to offer for your consideration a different course relative to this work. Had the plan suggested by Mr. Welch been adopted, I verily believe not a stone would have been laid in this lock this season. The expense upon the plan as adopted, may possibly not be less, but I can hardly doubt but the completion of the work will be much expedited, and I have more confidence in the utility of the work upon the plan as adopted.

The calculation now is to increase the base of the dam from 80 feet to 140, and instead of placing the dam at the head of the lock, to place the lower range timbers in line with the foot of the lock. The lower 60 feet of the dam, is to form an inclined apron in such a manner as to prevent, if possible, any reaction upon the foundation at the foot of the lock or dam.—The calculation is to build the crib work under the lower part of the slope, or apron, only four feet square. This plan I think will give sufficient egress to any water that may be forced under the timber foundation of the lock by the pressure from the upper level, and thereby prevent any upward pressure from forcing up the timber or plank foundation. I believe the foundation of the lock is as good as could be found, except a foundation of solid rock. I feel assured from what Mr. Welch told me after visiting our works, that he was misinformed as to the quality of the foundation of this work.

All of which is respectfully submitted.

ALONZO LIVERMORE, Res. Engineer.



REPORTS
OF THE
RESIDENT AND ASSISTANT ENGINEERS,
FOR 1838.

REPORT on the Survey of the West Fork and Big Sandy Rivers.

ENGINEER'S OFFICE, LICKING RIVER NAVIGATION, }
Covington, Nov. 27th, 1838. }

Sir: In compliance with your letter of instructions, dated 7th of April, 1838, requiring me to organize and equip a party for the survey of the West Fork and Big Sandy rivers, and to proceed at the proper time to Pikeville, the point of commencement, to superintend and give detailed instructions to the Assistant Engineer relating to its execution—I have now the honor to report, that by the 25th day of June, I had employed at this place a well instructed surveyor, and other assistants, and had provided the necessary instruments, boats, camp equipage, &c., for the survey, which I placed under the charge of Mr. Eichbaum, and gave him instructions for his government. Early in July I joined the party, a few miles below Pikeville; and after having employed them for a short time in surveying the road from Pikeville to the Sounding Gap, they proceeded to the execution of their work on the West Fork and Big Sandy rivers, which they levelled and surveyed with accuracy and diligence.

I have herewith the honor to lay before you, Mr. Eichbaum's report of the survey, with his plan and estimates for the improvement of the navigation of the two rivers. The map of the survey is in progress in this office, which will be forwarded to you as soon as it is completed.

The plan of improvement suggested by Mr. Eichbaum, if properly executed, would facilitate the passage of the small freight boats that are now used for the transportation, up the streams, of nearly all the merchandize and foreign supplies that are consumed by the inhabitants on the upper part of the Big Sandy river and the West Fork; and would, at some stages of water, enable the large flatboats that are used for the exportation of the coal, corn, staves, tan bark, &c., which are produced in the country, and also the rafts of timber, to descend to the Ohio river; which, without the improvement,

could not pass the shoals with safety. But this advantage would be seldom useful. The freshets every year, not only cause sufficient depth of water, but also a velocity in the current, which enables the heavily laden boats to arrive at their destinations with safety and despatch. For several months in each year, steamboats of 100 tons could ascend with safety as high up the river as Pikeville; and the improvement suggested would never secure an advantage equal to a rise of one foot of water.

There is no practicable wagon road from Pikeville to the mouth of the Big Sandy river. The small freight boats above mentioned are uncovered; about 8 feet wide and 60 feet long; are flat bottomed, but rake at both ends; are very light, and carry, according to the stage of water, from 5 to 20 tons. An improvement that would only enable boats of this description to navigate the rivers from one to two months longer each year than they can at the present time, would do but little to ameliorate the condition of the country.

In the autumn of 1835, I made a reconnoissance and partial survey of the West Fork and Big Sandy rivers, and suggested in my report to the Board of Internal Improvement, dated 27th of December of that year, an improvement of the same character as that by Mr. Eichbaum. Farther reflection upon the subject, however, has convinced me that an improvement of this character is quite insufficient to produce results commensurate in advantages with its cost. The iron and the coal which abound on the banks of the rivers, would still have to depend upon the seasons of high water for exportation.

The shoals are, some of them, strewed with loose fragments of rock. In 1835, the obstructions of this character were partially removed, under the directions of Commissioners appointed by the Legislature. This work should be completed.

I have the honor to be, sir,

Very respectfully,

N. B. BUFORD,

Resident Engineer.

To SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

COVINGTON, Ky., Nov. 26th, 1838.

To N. B. BUFORD, Esq.,

Resident Engineer of the Licking River Navigation:

SIR—I have, agreeably to your directions, made a survey of the West Fork of Sandy river, from Pikeville to its junction with the Tug Fork opposite the town of Louisa; and of the Big Sandy river, from the junction of the West and Tug Forks to its mouth; and now present the following report:—

The valley through which the West Fork flows, is narrow; it is, in some places, nearly a mile wide, but generally not more than six hundred yards wide. The valley of the Big Sandy is wider—the width varying from 500 to 2000 yards. The country back of the river hills is very much broken, and

but thinly populated; the farming operations being mostly confined to the river bottoms or flats, and to the valleys of the principal streams emptying into the main river. The total distance from Pikeville to the mouth of the Big Sandy, at Catlettsburg, is 116 miles, and the total descent 146.50 feet.

In order to consider the different portions of the streams satisfactorily, I have arranged them into three divisions, viz :

Division No. 1—From Pikeville to Prestonsburg. The length of this division is $35\frac{1}{2}$ miles; and the surface of the water at the foot of the town shoal, opposite Prestonsburg, is 43.41 feet lower than the surface of the water opposite Pikeville. The width of the stream at Pikeville is 212 feet, and at Prestonsburg about the same; but at many intermediate points, the width is not more than 180 feet. The height of the river bottom or flat at Pikeville is 47 feet above low water of the Sandy; between Pikeville and the mouth of Beaver creek, the bottoms are in some places not more than 20 or 25 feet in height; at Prestonsburg, the height of the bottom land is 46 feet. The river consists of a succession of reaches or pools of various lengths, separated by ripples or shoals composed in some cases of slate or sand stone, but generally of gravel. The fall of these shoals or ripples varies from 2 inches to 4 feet 9 inches; the length varies from 100 to 2,900 feet. There are many rocks and snags, &c. in the channel. The most considerable tributary upon this division is Beaver, which empties into Sandy upon the west side, 25 miles below Pikeville, and is about 100 feet wide at its mouth.

Division No. 2—From Prestonsburg to Louisa. Length $54\frac{1}{4}$ miles, and descent from the surface of the water opposite Prestonsburg to the surface of the water opposite Louisa, 78.50 feet. The average width of the river upon this division is 200 feet, and the height of the river bottoms from 40 to 50 feet. From Prestonsburg to the mouth of George's creek, the bed of the stream is similar to that of the first division, excepting that the pools are generally longer, and the falls of the ripples greater. The length of the ripples or shoals varies from 100 to 3000 feet, and the fall varies from 2 inches to 5 feet 3 inches. The shoals are composed of rock, loose rock and gravel. Between George's creek and the 5 mile shoal, which is five miles above Louisa, the pools become shorter, and sand is found more frequently composing the bed of the stream. Below the 5 mile shoal there are but two small ripples; the current is very uniform, and the bed of the river composed mostly of sand. There are numerous rocks and snags in the stream, and leaning trees, which will have to be removed. The principal streams emptying into Sandy upon this division, are John's creek on the east side, and Paint, Tom and George's creeks on the west side.

Division No. 3—From Louisa to the mouth of Big Sandy, at Catlettsburg. Length $26\frac{1}{4}$ miles, and descent from the surface of the water opposite Louisa to the surface of the water at the mouth of Big Sandy, 24.60 feet. The width of Big Sandy just below the junction of the Tug and West Forks, is about 300 feet; and at the mouth, it is nearly 400 feet from bank to bank. The river bottoms are generally 45 to 50 feet high. The bed of the stream consists of sand, excepting at Tabor creek, and near Blane creek, and at two other places nearer the mouth, where the bed of the river is rock. The current from Louisa to the mouth is nearly uniform, and the sand

is constantly shifting its position, making it impracticable to form a permanent channel. There are many rocks, snags, and leaning trees, which it will be necessary to remove. At the mouth of the river, the bed of the stream is rock, which is at a depth of about 6 feet below the surface of low water; and upon the rock, sand is accumulated, so as to reduce the depth of water at the lowest stage, to not more than 5 inches.

I would suggest, as the mode of improving the channel of the West Fork and of the Big Sandy, which is adapted to the wants of this section of country and its limited amount of trade—the removal of the rocks, snags and leaning trees, and the excavating of a channel through each of the principal shoals or ripples—commencing at the lower end, in about one foot depth of water, and continuing the excavation as far up stream as may be found necessary in order to make the depth of water upon the shoal greater, and the velocity of the current much less than at present. This will not make perfect navigation at low water; but boats will be enabled to pass the shoals with less of a freshet than is necessary in the present condition of the river.

The following is an estimate of the cost of improvement :

DIVISION No. 1.

NAMES.	Ripples.	Length.	Fall.	Cubic yds of Rock.
	No.	Feet.	Feet.	Yards.
Long Shoal, - - - -	3	2900	4.80	600
Graham's Shoal, - - - -	3	2290	4.80	600
Stratton's Shoal, - - - -	1	800	1.10	300
Harry Stratton's Shoal, - - - -	1	1000	2.30	400
Whitten's Shoal, - - - -	2	1600	1.40	400
Prater's Shoal, - - - -	1	800	1.00	300
J. Garret's Shoal, - - - -	2	1120	1.80	300
Hawes' Shoal, - - - -	1	1350	1.70	500
Graham's Shoal, - - - -	2	2750	1.70	800
Town Shoal, - - - -	1	1470	1.70	600
Smaller ripples, - - - -	-	-	-	1000
Rocks in channel, - - - -	-	-	-	2500
Removing snags, leaning trees, &c.				
Cost of division No. 1, -				

DIVISION No. 1.—Continued.

NAMES.	Price per yard.	Cubic yds Gravel.	Price per yard.	Amount.
	Cents.	Yards.	Cents.	Dolls. Cts.
Long Shoal, - - - -	80	1200	25	780 00
Graham's Shoal, - - - -	80	600	25	630 00
Stratton's Shoal, - - - -	80	150	20	270 00
Harry Stratton's Shoal, - - - -	80	520	20	424 00
Whitten's Shoal, - - - -	80	800	25	520 00
Prater's Shoal, - - - -	80	290	20	298 00
J. Garret's Shoal, - - - -	80	560	20	352 00
Hawes' Shoal, - - - -	60	500	20	400 00
Graham's Shoal, - - - -	80	800	25	840 00
Town Shoal, - - - -	80	400	20	560 00
Smaller ripples, - - - -	80	2000	25	1300 00
Rocks in channel, - - - -	60	-	-	1500 00
Removing snags, leaning trees, &c.	-	-	-	900 00
Cost of Division No. 1, - - -	-	-	-	\$8774 00

DIVISION No. 2.

NAMES.	No. Ripples.	Length, Feet.	Fall. Feet.	Cub. yds Rock.
Abbot's Shoal, - - -	1	530	2.00	300
George's Shoal, - - -	1	1300	1.60	400
Jack's Shoal, - - -	1	840	2.70	400
Hagar's Shoal, - - -	3	2080	4.00	800
Little Paint Shoal, - - -	1	500	1.00	370
Connelly's Shoal, - - -	1	650	1.90	720
Hellgate Shoal, - - -	1	520	1.70	300
Buffalo Shoal, - - -	2	3020	5.20	1200
Fishtrap Ripple, - - -	1	500	1.00	100
Greasy Shoal, - - -	2	1250	3.90	900
Wild Goose Shoal, - - -	1	840	1.70	300
White house Shoal, - - -	1	1100	3.70	900
Little White house, - - -	1	650	1.30	300
Chesnut Shoal, - - -	1	310	1.80	200
Lost creek Shoal, - - -	1	320	1.60	100
Graves' Shoal, - - -	2	1320	4.80	600
Log Shoal, - - -	2	1250	3.10	700
Fishtrap Shoal, - - -	1	930	2.50	400
Buffalo rock Shoal, - - -	1	550	1.80	600
Chapman's Shoal, - - -	1	630	1.80	300
Twisting Shoal, - - -	1	940	2.50	400
Five mile Shoal, - - -	1	1510	2.80	900
Smaller shoals and bars, - - -	-	-	-	1500
Removing rocks from channel, - - -	-	-	-	1000
Removing snags, fallen timber, &c.	-	-	-	-

DIVISION No. 2.—Continued.

NAMES.	Price per yard.	Cubic yds of Earth.	Price per yard.	Amount.
	Cents.	Yards.	Cents.	Dolls. Cts.
Abbot's Shoal, - - -	80	380	20	316 00
George's Shoal, - - -	80	800	25	520 00
Jack's Shoal, - - -	80	600	25	470 00
Hagar's Shoal, - - -	80	1270	25	957 50
Little Paint Shoal, - - -	40			148 00
Connelly's Shoal, - - -	60			432 00
Hellgate Shoal, - - -	70	400	25	310 00
Buffalo Shoal, - - -	80	2000	25	1460 00
Fishtrap ripple, - - -	80	200	25	130 00
Greasy Shoal, - - -	80	1000	25	970 00
Wild goose Shoal, - - -	80	400	25	340 00
White house Shoal, - - -	80	1000	25	970 00
Little White house, - - -	80	400	25	340 00
Chesnut Shoal, - - -	40			80 00
Lost creek Shoal, - - -	80	200	25	130 00
Graves' Shoal, - - -	80	800	25	680 00
Log Shoal, - - -	80	540	25	695 00
Fishtrap Shoal, - - -	80	500	25	445 00
Buffalo rock Shoal, - - -	80			480 00
Chapman's Shoal, - - -	80	280	25	310 00
Twisting Shoal, - - -	80	600	25	470 00
Five mile Shoal, - - -	80	1000	25	970 00
Smaller shoals and bars, -	80	2500	25	1825 00
Removing rocks from channel, -	60	-		600 00
Removing snags, fallen timber, &c.				1300 00
Cost of Division No. 2, - - -	-	-	-	15,348 50

DIVISION No. 3.

Removing rocks from channel, 1000 cub. yds at 60 cts.	-	\$600 00
Do. snags, fallen timber and leaning trees,	-	500 00
Cost of 3d Division, - - - - -		\$1,100 00
Cost of 2d Division, - - - - -		15,348 50
Cost of 1st Division, - - - - -		8,774 00
Total length, 116 miles ; fall, 146.50 feet.—Total cost,		<u>\$25,222 50</u>

The quantity of water running in the West Fork, immediately above the junction opposite Louisa, was measured on the 15th of August, and ascertained to be 8,800 cubic feet per minute; the surface of the river was, at the time, one or two inches above low water mark. I presume that the quantity of water running when the stream is at its lowest stage, does not exceed 6,000 cubic feet per minute. There is one steam saw mill upon the west side of Big Sandy, about four miles below Louisa; there is another steam saw mill about one half mile below Louisa, on the Virginia side.—This mill was not in operation during the time of making the survey. There is one saw and grist mill at Abbot's Shoal, near Prestonsburg, which is driven by water obtained by raising the water twelve or fifteen inches at the head of Abbot's Shoal. There are also two small mills upon the West Fork, with one run of stones each, for grinding corn necessary for the people near the mills. These works will be stopped by the improvement of the channel.

Coal is found, generally, along the whole extent of the river opposite Prestonsburg; the vein is from three feet to four feet six inches thick, and has been worked to some extent. The veins continue three feet thick as far down as the mouth of Tom's creek; below that, the veins in the valley of the river are not so thick. Coal has been obtained from the bottom of the river, about one mile below Tom's creek—it is there in layers of one foot to eighteen inches thick. The coal which I saw at Prestonsburg and other points on the river, appeared to be of good quality.

Iron ore is found in considerable quantity, between Prestonsburg and the mouth of Big Sandy.

Sand stone, for building purposes, abounds generally along the whole extent of the river.

Oak and poplar timber, Staves, Bark, Ginseng and Beeswax, chiefly constitute the exports from this section of country.

One steamboat ascended the West Fork in 1837, as far as Beaver creek, ten miles above Prestonsburg. During the same year, another steamboat made three trips as far up as the Shoal, five miles above Louisa; and during the spring of the present year, two steamboat trips have been made as far as Louisa.

Respectfully submitted.

GEORGE R. EICHBAUM,
Assistant Engineer.

REPORT on North and Middle Fork, Kentucky River.

FRANKFORT, November 22, 1838.

SIR:

In accordance with your instructions I have made a survey of the North and Middle Forks of Kentucky River, and respectfully submit the following report:

North Fork.—The point of commencing the survey being fixed by your instructions at the mouth of Leatherwood creek, from there it was contin-

ued down to the mouth of the Middle Fork, a distance by the course of the stream, of one hundred and twenty one and three tenths miles.

On the first division, from the place of beginning to the mouth of Troublesome creek, a distance of sixty six and four tenths miles, the river runs in a narrow valley between ranges of ridges or hills, which average about five hundred feet above the bed of the stream.

Narrow strips of alluvial land sometimes intervene between the hills and the margin of the river, whose surface averages about thirty feet above the plane of low water.

The average width of the river on this division is about forty yards, and the total descent is two hundred and three feet and eighty six hundredths, or an average of three and seven hundredths feet per mile.

The bed of the stream is generally sand stone or slate, covered for considerable distances with sand or gravel. The banks are usually a narrow strip of alluvial bottom on one side, while its opposite is an abrupt rocky bluff, or sloping hill, reaching to the water's edge.

The second division, extending from the mouth of Troublesome creek to the junction of the North and Middle Forks, a distance of fifty four and nine tenths miles, has a total descent of ninety two and ninety six hundredths feet.

The first section of this division, from the mouth of Troublesome to the mouth of War creek, and embracing a distance of thirty and six tenths miles, has an average width of about sixty five yards over, almost uniformly, a rock bottom, and with an average descent of one foot and fifty seven hundredths per mile. The same general characteristics are observed, as upon the first division, with the exception that the bottoms or alluvial lands are wider and have greater elevation above the surface of the river—averaging about thirty five feet.

The second section, commencing at the mouth of War creek and terminating at the junction of the North and Middle Forks, is in length twenty four and three tenths miles, and descends at the rate of one and seventy seven hundredths feet per mile.

This section includes the "Narrows," through which the channel is reduced to from forty five to fifty yards in width, and the river lined on each side by perpendicular sand stone cliffs, varying from fifty to one hundred and fifty feet in height. Excepting in a few instances where the stream washes the base of the cliffs, for short distances, there is a narrow strip of ground composed of alluvium and fragments of rock, from ten to fifty yards wide, between the cliffs and the river. On the lower ten miles of this section the cliffs recede farther from the river, affording small strips of land from one hundred to three hundred yards in width, whose elevation above the stream is from forty to fifty feet.

The channel through the narrows is much obstructed by masses of detached rock which have fallen from the cliffs, and in some instances almost fill up the stream.

The geological features of the country along the river are very uniform from the commencement of the survey to the head of the Narrows, the hills being composed of alternate horizontal layers of sand stone and slate, interstratified with bituminous coal.

Throughout the Narrows, the cliffs are sand stone conglomerate, and the

boulders which have become detached from them and obstruct the channel of the river, are in many instances, coated with an oxide of iron.

Upon the first division, extending from the mouth of Leatherwood to the mouth of Troublesome creek, a slackwater navigation may be made, suited to the use of boats of such dimensions as would probably be used in carrying coal, &c. on the main river. The cost, per foot lift of the lockage, including the cost of dams, would be about \$4,000, exclusive of clearing the banks and the construction of a towing path, which would be necessary; as the channel is so narrow and so many abrupt bends occur that I think it could not be navigated advantageously by steam power.

From the mouth of Troublesome to the junction of the North and Middle Forks, a slackwater navigation may be made, large enough to admit the use of steamboats carrying about eighty tons.

The locks might be made with lifts of from twelve to sixteen feet, and the dams would average about one hundred and seventy feet in length. The stone and timber, necessary for the construction of locks and dams, could be obtained of excellent quality, and in the immediate vicinity of the places where they would be located.

Rock foundations, it is believed, could be selected for the locks and dams, and at points where a natural abutment exists on the opposite side from where the locks should be placed.

Estimate for a slackwater navigation from the Middle Fork to the mouth of Troublesome Creek, on the North Fork.

For 99 feet of lockage, including the dam and necessary appendages to the lock, at \$4,500 per foot lift,	-	445,500 00
For clearing the banks of the river on a distance of 55 miles, at \$100 per mile,	- - - -	5,500 00
For blasting and removing 12,000 cubic yards of rock, chiefly in the Narrows, at 50 cts.,	- - - -	6,000 00
		<hr/>
		\$457,000 00
Contingencies, engineering, superintendence &c., 10 per cent.,	- - - - -	45,700 00
		<hr/>
		\$502,700 00
		<hr/>
Average cost per mile,	- - - - -	\$9,140 00
		<hr/>

The coal mines now opened, and from which the principal shipments are made on this fork, are situated on the twenty second, sixty second, sixty sixth, seventy fourth and eighty first miles, respectively, from the commencement of the survey. The first of these is situated on the south side of the river, and about sixty feet above the plane of low water; it is $3\frac{1}{2}$ feet thick, and has been worked about 40 feet under the hill.

The second is similarly situated with the first; being on the south side of the river, and about 60 feet above the surface of the water—this vein is five feet and three inches thick, including a stratum of slate of fifteen inches in the centre of the coal vein, leaving four feet of good coal.

The third vein is on the same side of the river, opened along the face of a ridge, whose summit is about five hundred feet above the bed of the stream. The vein of coal is two hundred and seventy three feet above the low water surface, and has several openings in a distance of one hundred and twenty yards. The thickness of the stratum of coal varies from three and a half to four feet, at the different places where excavations have been made.

The variety denominated cannel coal is furnished from this mine, and the greater proportion of it is of this character; there is generally, however, about one foot of bituminous coal above the harder variety.

The fourth is on the south side of the river, and about thirty feet above it, and is about four feet thick. The fifth is opened along the face of an abrupt and nearly perpendicular bluff, about one hundred feet above the surface of the river, and is four feet in thickness.

At none of these mines, have the excavations been made to a greater distance into the hill than about one hundred feet, and consequently the true quality of the coal remains yet to be developed.

There are several other openings made of veins of coal, from which small quantities have been mined; but the ones before enumerated comprise those most extensively worked.

The quality of the coal of this region is accurately described in the report of the Chief Engineer of Kentucky, made to the Board of Internal Improvement in 1836.

The establishments for the manufacture of salt are situated as follows, viz:

The first and most important is at the mouth of Leatherwood creek, where about fifty bushels are made per day, and water in sufficient quantity to yield about three times that amount. On the sixtieth mile is an old establishment, where a considerable amount of salt was formerly made, but the works are now out of use.

On Troublesome creek, about one and a half miles from its mouth, are works, where about ten bushels of salt are made per day.

At the town of Hazard, on the nineteenth mile, a salt well is being bored; it is sunk to the depth of two hundred and fifty feet, and salt water obtained. The proprietor continues to bore, and entertains no doubt of securing an abundant supply of good water. The indications of the existence of this valuable article are so frequent, that no doubts are entertained of procuring it by boring three or four hundred feet, at almost any point along the river, from the mouth of Leatherwood to the Three Forks.

At several points along the margin of the river, iron ore, in small quantities, was discovered, samples of which were collected and are deposited in the Engineers' office.

The most valuable varieties of timber are ash, oak, poplar, and yellow pine, which exist in great quantities along the river, so far as the survey extended; the latter is found principally upon or near the summits of the ridges.

The products of agriculture are, and must continue to be, limited, along this stream, as the only land suitable for cultivation, is the narrow river bottoms and those of the creeks and branches tributary to the river.

At present there is no surplus made, excepting some live stock, which is usually driven to a market east of the mountain.

The quantity of coal shipped from the mines on this fork, during the last

season, amounted to about forty thousand bushels; about four thousand saw logs, of oak, poplar and pine, were also sent out during the same time.

These amounts are not a criterion by which to judge of the annual export of the articles enumerated; as I was informed, by those engaged in mining and forwarding coal, that the last season was unfavorable to their operations, the freshets having been less frequent than usual.

By the improvement proposed, from the junction of the North and Middle Forks to the mouth of Troublesome creek, it is believed that no damage would be done to private property.

Middle Fork.—The survey and leveling upon this stream was commenced at the point where the Manchester and Hazard road crosses it, and continued thence down to its junction with the North Fork, a distance of sixty seven and ninety six hundredths miles; and the total descent ascertained to be one hundred and sixty nine and two tenths feet, or an average fall of nearly two and a half feet per mile.

The general character of the country through which the river flows, until within ten miles of its mouth, is in most respects similar to the first division of the North Fork; being composed of ridges or hills confining the river to a narrow valley, and affording but a small portion of land suitable for cultivation along the stream. Where narrow alluvial bottoms occur, their height from the surface of low water is from twenty five to thirty feet.

The general width of the river is about forty five yards, and its channel on this portion of it, much obstructed by Islands.

Upon the lower ten miles, next the mouth, the valley becomes much wider, and affords farms of from fifty to one hundred and fifty acres between the ridges and the river; the height of these bottoms is from thirty five to forty feet above the low water surface.

The ridges or hills in the vicinity of the river are not so high as those on the upper portion above described, and do not average over two hundred feet above the bottom lands.

The channel of the river is reduced on this part of it to about thirty five yards in width, and in several places has detached masses of rock, partially filling up the bed of the stream.

The character of the rock is the same with that on the first division of the North Fork, heretofore described.

The veins of coal, so far as they came under my observation, were generally not so thick as those upon the North Fork, and, in most instances, have an inclination, in a southeast direction, of about two degrees.

The largest vein worked was upon Rush creek, a small tributary of the Middle Fork, and about half a mile from the river; this bed was three feet and ten inches in thickness.

The thickness of the veins from which coal is generally taken along this stream, does not exceed about three feet, but I have no doubt that the best veins remain yet to be opened.

I was informed, that about eight miles above where the survey was commenced, a considerable quantity of salt was formerly manufactured, but from some cause the works are not at present carried on, and I am not apprised that any of this article is now made upon or near the Middle Fork.

The same varieties of timber are found along this stream, as those described upon the North Fork, and in great abundance.

Some specimens of iron ore were collected and deposited in the Engineers' office; I did not, however, observe any considerable quantity in any one place, and the samples were mostly obtained immediately along the margin of the river.

The amount of agricultural produce is not more than sufficient for the wants of the inhabitants, and no surplus is furnished for transportation upon the river.

From the best information I could obtain, the quantity of coal sent out in flatboats, during the last season, was about five thousand bushels. In addition to this, about one thousand saw logs were run out; these two items constituting the principal exports from this stream.

The improvement best adapted to this stream, so far as it was surveyed, would be similar to that which should be adopted on the first division of the North Fork, and the cost would be at the same rate per foot lift for the lockage, including dams.

The freshets which occurred during the time of making the surveys, rendered it impracticable to ascertain the minimum quantity of water furnished by either stream; but the information derived along the rivers, warrants the conclusion that a sufficient supply would be found during nearly the whole season, for a navigation, as large as the width and sinuosities of the stream would justify.

The field books, herewith filed, contain data for estimates of the cost of removing obstructions to descending navigation upon both streams.

Respectfully submitted.

W. B. FOSTER, Jr., *Resident Engineer.*

To SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

REPORT on Cumberland River.

ENGINEERS' OFFICE, FRANKFORT,
November 20, 1838. }

SIR :

I have the honor to submit the following report of the condition and progress of the work done for the improvement of Cumberland river, for a descending navigation, from the mouth of Laurel to the Tennessee line, as authorized by the ninth section of the "Act further to provide for the Internal Improvement of the State," approved February 16, 1838.

It was ascertained, early in the month of June, that William McKnight, Esq., United States' Agent, was making preparation for executing all the work necessary for clearing the banks of the river at the bends and at the islands, and for the removal of all logs, roots and snags, from the bed of the

stream, which might impede the passage of descending boats, between the mouth of Laurel and the Tennessee line. Preparations were, therefore, made for carrying into effect the above named section of the act, so far only as related to the Great Shoals.

At a subsequent period, however, it was found that no work would be executed by the United States' Agent above the head of the Great Shoals, because of the difficulty which it was feared would attend the passage of the snagboats, &c. over them, after having consumed the early part of the season above.

His operations were, therefore, confined to that portion of the river between the foot of the shoals and the Tennessee line; and, as the season was too far advanced to make preparation for doing the work omitted by the agent, no work has been done by the authority of this State above or below the Great Shoals.

Having failed to make contracts for executing the work proposed to be done, on favorable terms, it was determined to appoint an agent to superintend the work, under the direction of the resident engineer. Mr. Charles F. Taylor was selected; who, after purchasing the necessary tools and materials, and erecting buildings to be occupied by the laborers, commenced operations on the 3d of September—removing all the loose rock from the boat channel on all the shoals, together with all the points or projections rising above the general level of the rock bottom. No blasting was required on the upper shoal; but the projecting points at the foot of each of the lower shoals were removed, after the arrival of the powder and the preparation of implements, and before the water rose. But as the current is very strong at these two points, the shattered fragments of rock will be washed from their beds at every rise of the water, and will be cast into heaps near the foot of each shoal: thus creating obstructions which will require removal at intervals of one or two years; while the more firm and solid portions will remain fixed, forming projections above the general level, and becoming obstacles in their turn.

Some labor will be required during the next season to maintain an even surface on the shoals; but the amount, it is hoped, will not be great.

During the time occupied in performing the work above mentioned, preparations were made for building two wing-dams on Smith's Shoal. A contract was entered into for the delivery of the necessary timber at the top of the cliff, which is about two hundred and fifty feet high, from whence it was thrown down, and rolled to the sites of the dams. On the 19th of September the upper dam was commenced, and the work was steadily prosecuted until both were completed, on the 1st of November.

These dams extend from the left bank of the river into the stream, commencing in a direction nearly perpendicular to that of the current, and gradually curving down the stream, so that at the lower end they have a direction parallel with it.

The head of the upper dam is joined to the bank at a point nearly opposite to the head of the old wall, a short distance below the head of the shoal. It is five hundred and eighty seven feet long: about eighty feet of the lower end is in a straight line, parallel with the direction of the current, and distant about three hundred feet from the right bank; the remaining length, of about five hundred feet, curves gradually toward the left bank, where, as

before mentioned, its direction is nearly perpendicular to that of the current.

The lower dam is not connected directly with the bank of the river, but joins the wing-dam of the mill belonging to Mr. George Smith, at a distance of about fifty feet from the shore, and at about seven hundred and thirty feet farther down the stream than the head of the upper dam. It is five hundred and forty seven feet long, and is similar to the upper dam—curving out into the stream, and terminating at a point about the same distance from the right bank; an equal portion of its length is straight and parallel with the direction of the current.

The width of the dams, at the base, is eighteen feet; and the average height, above the bottom of the stream, is five feet four inches. The materials used in their construction are, white oak timber and stone: the timbers are framed together and bolted to the rock; and the spaces between them are filled with stone, taken from the old wall. The wall has been entirely removed, leaving a clear space, at least three hundred feet wide, between the ends of the dams and the right bank, for the passage of boats, &c.

In constructing these dams, range timbers, about forty feet each, in length, and eighteen inches in diameter, were laid down on the rock, in the proper curve, for the direction of the dam; two inch holes were bored through them at intervals of about twelve feet, and, at the corresponding points beneath, holes of the same diameter, and eighteen inches in depth, were drilled into the solid rock; a wooden pin, two inches in diameter and two feet long, was then inserted in the hole in the range timber, and was driven through it into the hole in the rock below; after which, an iron bolt, three quarters of an inch square, was driven through the pin, pressing the fibres of the wood against the sides of the hole in the rock, and in the range timber, and uniting them very firmly together.

On the top of these range timbers, and in a direction perpendicular to them, cross ties, fourteen inches in diameter, and eighteen feet long, were laid at intervals of twelve feet: these ties were united with the range timbers by a dovetail joint and a wooden pin at the one end, and at the other to the rock bottom, by a wooden pin and iron bolt, of the same size, and in the same manner, as has already been described for fastening the range timbers to the rock. A second course of range timbers, sixteen inches in diameter, was then placed on top of these ties, above the first course, which was united to them by a two inch pin to each tie; these range timbers were surmounted by a second set of ties, twelve inches in diameter, and eighteen feet long, placed at points intermediate to those of the first set, and at the same distance apart; these ties were fastened to the second course of range timbers, by a dovetail joint and pin at the one end, and to the rock by a pin and an iron bolt at the other, as before described. Parallel with these range timbers, and at about eight feet distant, a centre range timber, twelve inches in diameter, was placed, overlaying the first set of ties, and underlaying the second set; to each of which it was united by a notch and pin. On top of the second set of ties, the third course of range timbers, twelve inches in diameter, was placed, and fastened by pins: this last course was also tied at intervals of twelve feet, by a set of timbers, ten inches in diameter, and nine feet long, which were notched and bolted to the top of the range timber, at one end, and notched under the centre range timber, at the other,

The whole body of the dam between the ties was then well filled with stone of various sizes, the upper surface being made to correspond with the slope of the second set of cross ties. A covering of large flat stone, overlaying one another, so as to give additional stability to each, and presenting no angles or points opposed to the direction of the current, was afterward laid over the whole of the upper surface of the dams, with the exception of about forty feet in length of the lower end of each, where the stone were set on their edges and well wedged together. The latter plan would have been pursued throughout the entire length of the dams, but for the want of proper tools and workmen required to execute it with the necessary degree of dispatch: and since a covering similar to the one first described was used on the dams formerly built on Long Shoal, which has resisted the action of the current and of floating bodies very well, no danger was apprehended in adopting the same plan for those erected during this season.

The whole amount of money expended in building the dams, and removing points of rock and loose stone from the boat channel, including the cost of buildings, tools, wages, subsistence, materials, &c. and exclusive of superintendence, amounts to	\$3,199 69
From which deduct the value of tools and materials on hand, which will be used in prosecuting the works during the coming season,	535 00
Net cost of dams and other work executed,	<u>\$2,664 69</u>
The cost of building the two dams, including the cost of workmanship, materials, wear and tear of tools, and removing the old wall, is	\$2,170 69
The cost of removing rock from the channel, on Smith's Shoal,	224 00
The cost of removing rock from the channel on Long Shoal,	212 25
The cost of removing rock from the channel on Shadowen's Shoal,	57 75
	<u>\$ 2,664 69</u>

The aggregate length of the two dams being one thousand one hundred and thirty four feet, the cost per foot lineal, including timber, iron, stone, &c., and excluding superintendence, amounts to one dollar and ninety one and a half cents.

It is not to be presumed that the dams on Long Shoal can be constructed at so cheap a rate, on account of the difficulty of procuring timber and stone. The cliffs which inclose it are much higher than those on Smith's Shoal, and the stone at the foot of them are generally too large and misshapen to be used without the expense of breaking.

A supply can be obtained from the three old dams, either for the construction of three new dams, or for any alterations in the shape of the present ones which may be thought necessary; but for any greater number, stone must be obtained from the base of the cliffs.

The whole of the dams on Long and Shadowen's Shoals might be built

during the ensuing season, if required; but it is hoped that the progress in construction will be gradual, in order that an opportunity may be afforded for observing the effect produced by those already erected, and for making such alterations in those hereafter to be built, as experience may suggest.

All of which is respectfully submitted.

ANTES SNYDER.

SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

REPORT on Goose Creek and South Fork of Kentucky River.

ENGINEER'S OFFICE,
Frankfort, November 24, 1838. }

SIR:

I have the honor to submit the following report of the progress and present condition of the work which has been executed during the past season, for the improvement of Goose creek and the South Fork of Kentucky river, for a descending navigation.

In compliance with instructions, I entered into contract with Mr. Hiram Hibbard, for the removal of all rocks, logs, snags, roots, &c., which were considered to be impediments to the navigation of the East Fork of Goose creek, below Wilson and Quarrier's steam mill; and with Mr. Elhanan W. Murphy, for the performance of the same kind of work on Collins' Fork, below Alexander White's salt furnace.

A specification was attached to each contract enumerating the items, and describing the manner in which the work was to be executed.

I endeavored also to make contracts for the removal of obstructions in Goose creek; but, on finding that the prices demanded for executing the work very far exceeded its value, I declined making farther contracts.

James H. Garrard and Dougherty White, Esqs., having been appointed Superintendents, were instructed to procure tools and implements, engage the services of foremen, and hire the necessary number of laborers to perform the work directed by the instructions. They have gone on to perform the duties assigned to them, and the laborers have been employed up to the tenth of the present month, in removing or breaking down all prominent points of rock in the shoals, removing loose rock, fish traps, logs and drift, some small rock bars and other obstructions from the channel, together with certain points of rock and gravel bars, which projected into the stream, from the banks; and have formed landings at a few points, by clearing the banks on Goose creek.

On the South Fork of Kentucky, they have also removed the loose rock and projecting points from the shoals, and have taken down some fish traps, and the wing of the mill dam below the mouth of Island creek.

The amount of work done upon and near the Narrows, has been greater than on any other equal portion of the stream.

The new cut along the Narrows has been deepened, and the dam across the old channel, at its head, has been raised. Points of rock, at various places, including those which projected from the left bank above the rock, known by the name of Allen's rock, and those next below the same rock, with the gravel bars projecting from the same side, have been removed.

Very little of the shelving rock, in the new channel at Allen's mill, has been blasted; but the loose rocks at its foot, and about thirty feet of the right hand portion of the island, below this channel, have been removed.

The point on the left, at the bend below the island, has also been cut off; but no work has yet been done on the point on the right, or in the eddy on the left, at the bend below.

The whole amount of money expended in labor, tools, provisions, &c., is	- - - - -	\$1,921 69
To which add payments on the contract with H. Hibbard,		250 00
		<hr/>
Total amount paid,	- - - - -	2,171 69
		<hr/>
There will be due during the present winter on contracts,		\$383 00
For labor performed and not paid for, (about)	- - -	400 00
		<hr/>
		\$ 783 00
		<hr/>

The contracts made with Messrs. Hibbard and Murphy, had not been fulfilled on the 8th of the present month. Upon examining the work, it was found that portions of it had not been done in accordance with the terms of the agreement: they were directed to make such alterations as seemed to be necessary, and it is presumed, that at the present time, the work on both Forks has been completed.

The price agreed upon for all the work to be done on the East Fork, by Hiram Hibbard, was \$350—two hundred and fifty of which has been paid.

The price agreed upon for work to be done on Collins' Fork, by E. W. Murphy, was \$283—none of which has yet been paid.

Neither of the dams mentioned in the last year's report has been built: the one which was designed to be placed at the mouth of Laurel creek, will not be built; but the one at the head of the channel, in the Narrows, ought to be constructed during the approaching season.

The work to be done hereafter, will consist of the dam just mentioned; the removal of the shelving rock in the channel in the Narrows; the removal of points of rock below the narrows; the formation of landing places; the removal of rocks from some of the shoals which could not be effectually cleared during the past season; and the removal of logs, drift, &c., and the girdling of leaning trees—so far as the balance of the appropriation will permit.

All of which is respectfully submitted.

ANTES SNYDER.

SYLVESTER WELCH, Eeq.,
Chief Engineer of Kentucky.

REPORT on *Rough Creek, Pond River, Muddy River, Nolin, Caney and Bear Creeks.*

FRANKFORT, Ky., Nov. 24th, 1838.

SIR—The following statements exhibit the measures taken, in compliance with your instructions, for improving some of the tributaries of Green river, for descending navigation; and estimates for similar improvements upon others, herein referred to.

Rough Creek.—For the removal of obstructions to descending navigation on Section No. 1, and extending from Green's mills, at the Great Falls, to Nall's upper mills, a distance of about 25 miles—a contract has been made with Joseph Wilson, dated September 15th, 1838; and a duplicate of it, embodying the specifications of the manner in which the work is to be executed, is herewith submitted.

A contract was also entered into, on the 14th day of September last, with Harrison D. Taylor, for executing the work, of similar character, on Section numbered two; embracing, from Nall's upper mills to the village of Hartford, a distance of about twenty six miles. The duplicate of this contract, including the specifications, which is herewith communicated, will explain the manner in which the work is required to be done.

Agreeably with the prices stipulated in the contracts abovementioned, the cost of the work is estimated as follows:

SECTION NO. 1.

For clearing the channel of snags, cutting up the fallen timber, removing fish dams, &c., and clearing the banks to an average height of nine feet above the low water surface, on 25 miles, at \$49 per mile,	\$1,225 00
For removing the leaning timber which projects over the stream, so as materially to interfere with descending boats, and which is above the line or level above designated, on 25 miles, at \$13 per mile,	325 00
For removing 1,175 cubic yards rock, at 50 cents,	587 50
Aggregate cost of Section No. 1,	<u>\$2,137 50</u>

SECTION NO. 2.

For clearing the channel and banks, as on Section No. 1, for 26 miles, at \$45 per mile,	\$1,170 00
For removing leaning timber, as described on Section No. 1, on 26 miles, at \$17 per mile,	442 00
For removing 18 cubic yards rocks, at 75 cents,	13 50
For removing 370 cubic yds. earth, at 20 “	74 00
For additional clearing,	20 00
Aggregate cost of Section No. 2,	<u>\$1,719 50</u>

Making the cost of the improvements, if completed at the present contract prices, \$3,857 00.

Pond River.—A contract was made on the 8th of October last, with John S. Eaves, Sanders Eaves and Wm. A. Eaves, for doing all the work necessary to improve the descending navigation of this stream, from the point where the Greenville and Hopkinsville road crosses it, to the Island Ford, a distance of about fifty eight miles.

A duplicate of this contract, embracing the specifications of the manner in which the work is to be executed, is herewith submitted.

The estimated cost of the work at the contract prices, is as follows:

For clearing the channel of snags, cutting up the fallen timber, removing fish dams, &c., and clearing the banks to an average height of nine feet above the low water surface, 58 miles, at \$40 per mile, - - - - -	\$2,320 00
For removing the leaning timber, which projects over the stream so as to materially impede the passage of boats, and which stands above the line or level above designated, 58 miles, at \$6, - - - - -	348 00
For removing Morgan's old mill dam, - - - - -	80 00
For removing 100 cubic yds rock, at 50 cts. (estimated,) - - - - -	50 00
Aggregate cost of 58 miles, - - - - -	<u>\$2,798 00</u>

Muddy River.—Upon this stream, Maj. John W. Powell was employed as superintendent, at a compensation of two dollars per day while employed in directing the work.

On the 28th of August last, he was directed to procure the necessary tools, &c., engage laborers, and proceed to the execution of the work; and, if practicable, complete the improvement, as contemplated, up to the Wolf Lick Fork, during the present season.

I examined this work on the 30th of October last, at which time the superintendent had progressed to within six miles of the mouth of Wolf Lick Fork, having removed the obstructions to descending navigation on a distance of thirteen miles.

The first nine miles, commencing at the mouth of the river, had been worked on, under the direction of Commissioners, appointed some years since, by the Legislature, and the obstructions principally removed.

At the date of the examination before mentioned, I directed the superintendent to discontinue work on that part of the stream where he was then engaged, and proceed to cut down, and cut into suitable lengths, such trees as remained standing along the banks, on the lower nine miles of the river, and which would, if left standing, be surrounded by the slack water formed by Dam No. 3, on Green river; and after completing this, to proceed to the upper part of the stream, and prosecute the work to completion this season, if the water remained low, and the weather continued favorable for his operations.

The amount expended, for the purchase of boat, tools, camp equipage, laborers' wages and subsistence, up to the 30th Oct. was \$589.

A copy of the instructions given to the superintendent, is herewith submitted.

Owing to the illness of the contractor for Section No. 1, of Rough Creek, no work had been done upon it at the date of my last visit there—about the 20th of October. He, however, intended making some progress with his work the present season, if the water remained low enough for it.

On the 23d of October, an examination was made of Section No. 2, of Rough creek, and an estimate made and certificate granted, amounting to \$594. This amount of work had been done on about fourteen miles, commencing at Hartford, and extending up the stream; and the contractor was directed to proceed no farther up the stream, until he should have gone over and completed, agreeably with the specifications, that portion over which he had already worked.

On the 3d day of the present month, an examination was made of Pond river; the contractors had made a commencement of the work at Morgan's mill dam, and reached a point about $4\frac{1}{2}$ miles below it, intending to complete their work from that point to the Island Ford, a further distance of about $7\frac{1}{2}$ miles, during the present season.

No estimate has been made for work done upon this stream; as by the terms of the contract, it is not due until the first day of December next.

Nolin.—The distance examined along Nolin, is estimated at fifty six miles, commencing at Millerstown, and terminating at the mouth of the river.

Obstructions were noted at several places, consisting of rocks in the channel, leaning timber on many of the points, numerous fish dams, and on the lower portion, some fallen timber and snags.

There are also two mill dams across the stream, which are regarded by persons accustomed to navigating the same, as more dangerous obstacles than those before mentioned. The first of these dams, owned by Esq. Dawsey, is located about sixteen miles below Millerstown; it is nearly seven feet high, and has, since its erection, entirely blocked up the navigation.

Hardin's mill dam, which is five feet and three inches high, is situated nineteen miles from the mouth of Nolin; it is built at the head of a long shoal, over which the water passes very rapidly during freshets, and renders it almost an impassable obstacle.

At Dawsey's dam, the mill house has been carried away by the floods, and the proprietor is about preparing to rebuild it. I however advised him to defer any progress towards rebuilding, until it was ascertained what further order the Board of Internal Improvement should make on the subject of removing the obstructions.

Unless this dam is removed, or its height reduced from three to four feet, removing the other obstructions would accommodate but a limited amount of trade; as the country below it furnishes but a small quantity of surplus produce.

By reducing the level of Hardin's dam to four feet, for a space of forty or fifty feet, and removing a point of rocks a short distance below the dam, and a small portion of an island composed of detached rock and gravel, I am of opinion that the passage over it would be rendered safe, at all times when there is sufficient water to pass the shoals generally.

The cost of the improvements necessary to a safe descending navigation, is estimated as follows:

For removing 1,325 cubic yds rock, at different places, at 40 cts.,	\$530 00
For removing 416 cub. yds detached rock and gravel, at 30 cts.,	125 00
For clearing channel at two several islands, - - -	30 00
For reducing Hardin's dam to 4 feet in height, - - -	75 00
For removing Dawsey's dam, - - - - -	80 00
For removing leaning and fallen timber,snags and fish dams, on the whole distance, - - - - -	460 00
For Dawsey's mill privilege, (say) - - - - -	200 00
	<hr/>
	\$1,500 00
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It is questionable whether the owner of the dam last mentioned, (Dawsey's,) had any legal right to erect it of such height, as not only to obstruct the navigation, but entirely to destroy it; and if, upon investigation, it should prove that he had not, then the last item in the foregoing estimate should be deducted—leaving \$1,300 as the probable cost of making a safe and valuable descending navigation from Millerstown to the mouth of the stream.

The sum of one thousand dollars, appropriated by the Board, if expended in removing the most dangerous obstacles, would greatly improve the navigation; but as my estimate for such as I thought ought to be removed, exceeds that amount, no arrangement has been made for having any portion of the work done.

Bear Creek was examined from the mouth, up to McClure's Fork, an estimated distance of thirty miles, and the obstructions found to be of the same description as those on Nolin, viz: Mill dams, rocks in the channel, and leaning and fallen timber.

The first dam is situated nearly five miles from the mouth of the creek; it is about ten feet high, and is generally, during freshets, covered to such depth by the backwater from Green river, that boats pass over it without much difficulty.

The second is located about seventeen miles from the mouth; it is eight feet high, and could only be passed during an extraordinary flood.

I was informed that but two laden boats have ever passed out of this stream; and they were built and received their freight below the dam last mentioned. The cost of removing the obstructions to descending navigation, exclusive of the mill dams, is estimated as follows:

For removing 834 cubic yards rock, at 50 cts., - -	\$417 00
For removing leaning and fallen timber,snags, &c., - -	300 00
	<hr/>
	\$717 00
	<hr/>

The country bordering the creek, on the lower fifteen miles, is thinly inhabited, from the fact, that the soil is unproductive, and not capable of sustaining any considerable population. On the upper portion, the creek bottoms afford some tolerably good farms; but the uplands are poor and unproductive.

I was not able to obtain any satisfactory information with regard to the surplus products of the country adjacent to the creek ; but judging from the limited amount heretofore sent out of the stream, and the general appearance of the soil, so far as it came under my observation, my opinion is, that this stream would not become an outlet for any considerable trade, if the obstructions I have estimated, were removed.

The lumber made at the mills above mentioned, is used chiefly in the country adjacent to them ; and none, as yet, has been run out of the stream.

Caney Creek.—The examinations along Caney creek, embrace a distance of about forty five miles ; commencing at Bracher's mill, and terminating at its mouth.

The leaning and fallen timber constitute the obstructions to descending navigation, along this stream ; and which, in many places, have almost filled up the channel, rendering a passage out of it, very difficult and tedious.

The mode of improvement which suggests itself, is to cut up into small pieces, the fallen timber and snags, and remove from the banks, all such trees as project so far over the stream, as to interfere with the passage of boats.

On the whole distance, I have estimated \$20 as the average cost per mile, of removing these obstructions ; making an aggregate for forty five miles, of \$900.

The lands along this stream, as far as it was examined, are generally of good quality, and where cultivated, yield a considerable amount of surplus produce. Where they are not cleared and cultivated, they are covered with large and valuable oak and poplar timber.

There was shipped out of Caney creek, during the last year, about 200 hogsheads of tobacco, with other produce, such as corn, pork, &c. ; amounting, in all, to about five hundred tons.

There is also a considerable quantity of lumber made at Bracher's and at Knight's mills ; the former situated at the point where the examinations were commenced, and the latter about two miles from the mouth of the creek. This lumber is used principally in boat building, and for other purposes, in the surrounding country ; none, as yet, having been sent out of the stream for a distant market.

By the expenditure of a smaller amount than that estimated, the navigation could be much improved ; and if the whole amount proposed, were judiciously applied to removing the obstructions before mentioned, it would be as safely navigated as Rough creek, to which it is tributary.

Very respectfully, your ob't serv't,

W. B. FOSTER, Jr.,
Resident Engineer,

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

CONTRACT. *The Commonwealth of Kentucky with Joseph Wilson—Section No. 1 of Rough Creek.*

MEMORANDUM of an agreement entered into this 15th day of September, in the year of our Lord one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by William B. Foster, Jr., Resident Engineer, and authorized agent of said Commonwealth, of the first part, and Joseph Wilson of the second part, witnesseth: That for and in consideration of the payments hereinafter mentioned to be made, the said Joseph Wilson doth promise and agree to do all the work hereinafter specified for the improvement of the descending navigation of that portion of Rough Creek designated as Section No. 1, and extending from "Green's Mills" at the "Great Falls" to "Nall's Upper Mills."

Specifications.—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel or bed of the stream, will be disposed of in the following manner, to-wit:

The fish dams will be removed or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation. The trees, logs, snags and timber, will be cut into lengths not exceeding twenty feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut so as not to exceed twenty feet in length.

Where trees, or parts of trees, snags, &c., are lying on the bank below the top, they are to be cut up into lengths not exceeding twenty feet, and all roots and stumps situated below the line or level of cutting timber, generally, are to be trimmed down, so as to present no obstruction to the safe navigation, or landing along the banks of the stream.

On the concave side of the stream in the bends, the trees, saplings and bushes, shall be cut quite even with the surface of the ground from the low water plane to a point ten feet perpendicularly above it, and upon the opposite or convex side to a point eight feet above the low water plane. Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water, (perpendicularly,) shall be the height to which the timber shall be cut on each side of the stream. These trees, saplings and bushes, shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding twenty feet. In cases where stooping trees occur, or trees or saplings partially undermined and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting timber generally.

Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and together with the drifts or accumulations of timber of every description, shall be cut up into lengths not exceeding twenty feet. At points where cutting the timber to the level designated, would extend back upon low grounds to an unreasonable and unnecessary distance, the height to which it is to be cut may be reduced, at the discretion of the Engineer or agent having charge of the work. At several points along the

creek, rock will have to be excavated and removed, which will be designated by the Engineer.

In consideration of the work so to be done and executed, it is agreed and understood, that there shall be paid by the Commonwealth to the said party of the second part, as follows, to-wit:

For doing all the work before described, except for cutting the trees above the line or level of eight and ten feet, at the rate of forty nine dollars per mile in length of said creek, to be estimated agreeably to a survey made of said stream, by and under the authority of said Commonwealth in 1836.

For cutting timber, agreeably to the specifications, above the line of eight and ten feet—for all trees not exceeding one foot in diameter, twenty five cents.

For all trees over one foot and not exceeding two feet in diameter, fifty cents.

For all trees over two feet, and not exceeding three feet in diameter, one dollar.

For all trees over three feet in diameter, one dollar and seventy five cents.

For excavating earth, per cubic yard, twenty five cents.

For excavating rock, per cubic yard, fifty cents.

It is understood that the prices affixed to the above items, are to include materials of every description required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed is to be measured before it is taken out.

No allowance will be made for bailing water; and no extra allowance will be made in any case for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work.

It is further understood, that if any items of work necessarily occur, and which are not described nor mentioned in the specifications, they shall be estimated by the Engineer, and paid for according to their value.

The payments are to be made in the following manner: On or about the twentieth day of October next, ensuing the date hereof, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract, and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement as the President may designate, and upon the certificate being presented, eighty per cent. of the amount specified shall be paid to the party of the second part. And on or about the first day of December next, a like estimate shall be made and certificate granted, and the like sum of eighty per cent. paid thereon; and at the expiration of two months after the first of December next, and each succeeding two months, (provided the work is prosecuted satisfactorily, and not otherwise,) an estimate as above shall be made and eighty per cent. paid thereon.

It is understood that the twenty per cent. retained from each and all the estimates, shall be retained in the hands of the Board of Internal Improvement, or its authorized agent, as security for the faithful performance of the work until it shall be completed, and accepted by the Engineer, or other agent of the said Board; when it shall, together with any balance due for work done under this contract, be paid.

But it is expressly understood that if the party of the second part, shall

neglect or refuse to prosecute the work, and to finish and complete it according to the provisions of this contract and specifications, and in compliance with the directions of the Engineer who may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer, to declare this contract forfeited and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of said Board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever as compensation for damages, which it is hereby agreed, by the parties, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of this agreement.

It is further understood that the decision of the Chief Engineer and the Resident Engineers shall be final and conclusive in all disputes, matters and things, relative to this contract; and each and every of said parties do hereby waive any right of action, suit or suits, or other remedy at law, or otherwise, by virtue of said covenants, so that the decision of said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed that if in any case the party of the second part shall execute any portion of the work defectively, and shall refuse or neglect to correct the imperfection, that the Engineer shall have power to make any deduction or deductions, which he may think proper, from the stipulated price or prices for such work.

The party of the second part doth hereby promise to commence the work, embraced in this contract, immediately, and to execute as much of the work, as may be deemed practicable by the Engineer, during the present season, and the whole work shall be finished and delivered up, on or before the first day of December, 1839.

It is further understood that this contract shall not be binding upon the Commonwealth until it is approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals the day and year herein before written.

(Signed Duplicates.) WM. B. FOSTER, JR., *Res. Eng.* [SEAL.]
JO. WILSON, [SEAL.]

Witness: WILLIS GREEN.

Note.—The height to which the timber is required to be cut, agreeably to the above specifications, refers only to that portion of the stream which is not affected by mill dams.

On the pools of the mill dams, the timber will only be required to be cut to a height of five feet on the concave side, and to four feet on the convex side of the stream, and the same, viz: four feet in the straight portions of the stream above the surface of the pools at the dams, and will raise with a regular inclination, so as to arrive at the height set forth in the specifications, at the head of the mill pools.

WM. B. FOSTER, JR. *Res. Eng.*
JO. WILSON.

Approved,
J. T. MOREHEAD, P. B. I. I.

CONTRACT. *The Commonwealth of Kentucky with Harrison D. Taylor—
Section No. 2 of Rough creek*

MEMORANDUM of an agreement entered into this 14th day of September, in the year of our Lord, one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by Wm. B. Foster, Jr., Resident Engineer and authorized agent of said Commonwealth of the first part, and Harrison D. Taylor of the second part, witnesseth: that for and in consideration of the payments hereinafter mentioned to be made, the said Harrison D. Taylor doth hereby promise and agree to do all the work specified for the improvement of the descending navigation of that portion of Rough creek, designated as Section No. 2, extending from "Nall's upper mill," to the town of Hartford.

Specifications.—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel, or bed of the stream, will be disposed of in the following manner, to-wit: The fish dams will be removed or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation. The trees, logs, snags and timber, will be cut into lengths not exceeding twenty feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut so as not to exceed twenty feet in length. Where trees, or parts of trees, logs, &c., are lying on the banks, below the tops, they are to be cut into lengths not exceeding twenty feet; and all roots and stumps situated below the line or level of cutting the timber generally, are to be trimmed down so as to present no obstruction to the safe navigation or landing along the banks of the stream.

On the concave side of the stream in the bends, the trees, saplings and bushes, shall be cut quite even with the surface of the ground, from the low water plane, to a point ten feet perpendicularly above it; and upon the opposite or convex side, to a point eight feet above the low water plane. Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water, (perpendicularly,) shall be the height to which the timber shall be cut on each side of the stream.

These trees, saplings and bushes, shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding twenty feet.

In cases where stooping trees occur, or trees or saplings partially undermined and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting the timber generally.

Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and together with the drifts or accumulations of timber of every description, shall be cut up into lengths not exceeding twenty feet. At points where cutting the timber to the level designated, would extend back upon low ground, to an unreasonable and unnecessary distance, the height to which it is to be cut, may be reduced at the discretion of the Engineer or agent having charge of the work. At "Bull's Bend," a cut-off will be made by excavating a ditch ten feet wide and of the same depth; the place for which will be designated by the Engineer.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the Commonwealth to the said party of the second part, as follows, to-wit:

For doing all the work before described, excepting the cutting of trees above the line or level of eight and ten feet, at the rate of forty five dollars per mile in length of said creek, to be estimated agreeably to a survey of said stream, made by and under the authority of said Commonwealth, in the year 1836.

For cutting timber agreeably to the specifications above the line of eight and ten feet—for all trees not exceeding one foot in diameter, twenty five cents.

For all trees exceeding one foot and not exceeding two feet in diameter, eighty seven cents.

For all trees exceeding two feet and not exceeding three feet in diameter, one dollar and fifty cents.

For all trees over three feet in diameter, two dollars.

For excavating earth per cubic yard, twenty cents.

For excavating rock (if required) per cubic yard, seventy five cents.

It is understood that the prices affixed to the above items, are to include materials and labor of every description required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed, is to be measured before it is taken out. No allowance will be made for bailing water, and no extra allowance will be made in any case for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work. It is further understood that if any items of work necessarily occur, and which are not described or mentioned in the specifications, they shall be estimated by the engineer, and paid for according to their value.

The payments are to be made in the following manner:

On or about the twentieth day of October next, ensuing the date hereof, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract, and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement as the said President may designate; and upon the certificate being presented, eighty per cent. of the amount specified, shall be paid to the party of the second part; and on or about the first day of December next, a like estimate shall be made and certificate granted, and the like sum of eighty per cent. paid thereon; and at the expiration of two months after the first day of December next, and of each succeeding two months, (provided the work is prosecuted satisfactorily and not otherwise,) an estimate as above shall be made, and eighty per cent. shall be paid thereon.

It is understood that the twenty per cent. retained from each and all of the estimates, shall be retained in the hands of the Board of Internal Improvement, or its authorized agents, as security for the faithful performance of the work, until it shall be completed and accepted by the Engineer, or other agent of the said Board, when it shall, together with any balance due for work done under this contract, be paid.

But it is expressly understood that, if the party of the second part shall neglect or refuse to prosecute the work, and to finish and complete it according to the provisions of this contract and specifications, and in compli-

ance with the instructions of the Engineer, who may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer of Kentucky, to declare this contract forfeited, and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of the said Board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as a compensation for damages, which it is hereby agreed by the parties, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of this agreement.

It is further understood that the decision of the Chief Engineer and the Resident Engineer, shall be final and conclusive in all disputes, matters and things relative to this contract, and each and every of said parties, do hereby waive any right of action, suit or suits, or other remedy at law or otherwise, by virtue of said covenants, so that the decision of said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed that if, in any case, the party of the second part shall execute any portion of the work defectively, and shall refuse or neglect to correct the imperfection, that the Engineer shall have power to make any deduction or deductions which he may think proper, from the stipulated price or prices for such work.

The party of the second part doth hereby promise to commence the work embraced in this contract immediately; and to execute as much of the work as may be deemed practicable by the Engineer, during the present season, and the whole work shall be finished and delivered up on or before the first day of December, 1839.

It is further understood that this contract shall not be binding upon the Commonwealth until it is approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals, the day and year herein before written.

(Signed Duplicates.)

WILLIAM B. FOSTER, Jr. *Res. Eng.*, [SEAL.]
H. D. TAYLOR, [SEAL.]

Witness,
J. W. CROW.

Note.—The height to which the timber is required to be cut agreeably to the above specifications, refers only to that portion of the stream which is not affected by mill dams.

On the pools of the mill dams, the timber will only be required to be cut to a height of five feet on the concave side, and four feet on the convex side of the stream, and the same, viz: four feet in the straight portions of the stream, above the surface of the pools at the dams, and will raise with a regular inclination, so as to arrive at the height set forth in the specifications, at the head of the mill pools.

WM. B. FOSTER, Jr. *Res. Eng.*,
H. D. TAYLOR.

Approved,
J. T. MOREHEAD, P. B. I. I.

CONTRACT. *The Commonwealth of Kentucky, with John S. Eaves, Sanders Eaves and Wm. A. Eaves, on Sections 1 and 2, Pond river.*

MEMORANDUM of an agreement, entered into this eighth day of October, in the year of our Lord, one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by William B. Foster, Jr., Resident Engineer and authorized agent of said Commonwealth of the first part, and John S. Eaves, Sanders Eaves and William A. Eaves, of the second part, witnesseth: That for and in consideration of the payments hereinafter mentioned to be made, the said John S. Eaves, Sanders Eaves and William A. Eaves, do hereby promise and agree to do all the work herein specified, for the improvement of the descending navigation on that portion of "Pond river" designated as Sections Nos. 1 and 2, and extending from a point where the Hopkinsville and Greenville road crosses the same, to the "Island Ford."

Specifications.—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel or bed of the stream, will be disposed of in the following manner, to-wit: The fish dams will be removed, or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation.

The trees, logs, snags and timber, will be cut into lengths not exceeding fifteen feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut, so as not to exceed fifteen feet in length. Where trees, or parts of trees, snags, &c., are lying along the banks, below the tops, they are to be cut into lengths not exceeding fifteen feet; and all roots and stumps situated below the line or level of cutting timber, generally, are to be trimmed down, so as to present no obstruction to the safe navigation and landing along the banks of the stream. On the concave side of the stream, in the bends, the trees, saplings and bushes, shall be cut off quite even with the surface of the ground, from the low water plane to a point ten feet perpendicularly above it; and upon the opposite or convex side, to a point eight feet above the low water plane.—Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water (perpendicularly,) shall be the height to which the timber shall be cut, on each side of the stream. These trees, saplings and bushes shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding fifteen feet.

In cases where stooping trees occur, or trees or saplings partially undermined, and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting timber generally. Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and, together with the drifts or accumulations of timber of every description, shall be cut into lengths not exceeding fifteen feet. At points where cutting the timber to the level designated, would extend back upon low grounds to an unreasonable and unnecessary distance, the height to which it is to be cut, may be reduced at the discretion of the Engineer or agent having charge of the work.

That portion of an old mill dam, known as "Morgan's," yet standing,

shall be taken down, and the materials of which it is composed, shall be placed along the right shore (descending,) so as to be out of the way of the navigation.

In consideration of the work so to be done and executed, it is agreed and understood, that there shall be paid by the Commonwealth, to the said parties of the second part, as follows, to wit :

For doing all the work herein before described, except removing Morgan's old dam, and cutting timber above the lines of eight and ten feet, at the rate of forty dollars per mile in length, of said river; to be estimated agreeably to a survey of said stream, made by and under the authority of the said Commonwealth, in the year 1836.

For cutting timber, agreeably to specifications, above the lines of eight and ten feet: for all trees not exceeding one foot in diameter, ten cents.

For all trees over one foot, and not exceeding two feet in diameter, twenty five cents.

For all trees over two feet, and not exceeding three feet in diameter, fifty cents.

For all trees exceeding three feet in diameter, eighty cents.

For removing Morgan's old mill dam, eighty dollars.

It is understood and agreed that the prices affixed to the above items are intended to include materials and labor of every description, required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed, is to be measured before it is taken out, and a price estimated for the same, by the Engineer or agent having charge of the work.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work. It is further understood, that if any items of work necessarily occur, and which are not described or mentioned in the specifications, they shall be estimated by the Engineer, and paid for accordingly.

The payments are to be made in the following manner :

On or about the first day of December next ensuing the date of this contract, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract; and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement, as the said President may designate; and upon the certificate being presented, eighty per cent. of the amount specified shall be paid to the parties of the second part; and at the expiration of two months after the first day of December next, and of each succeeding two months, (provided the work is prosecuted satisfactorily, and not otherwise,) an estimate as above shall be made, and eighty per cent. shall be paid thereon.

It is understood, that the twenty per cent. retained from each and every estimate, shall be retained in the hands of the Board of Internal Improvement, or its authorized agent, as security for the faithful performance of the work, until it shall be completed and accepted by the Engineer or other agent of said board; when it shall, together with any balance due for work done under this contract, be paid. But it is expressly understood, that if the parties of the second part shall refuse or neglect to prosecute the work, and to finish and complete it, according to the provisions of this contract and specifications, and in compliance with the instructions of the Engineer who

may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer, to declare this contract forfeited, and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of said board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages; which it is hereby agreed by the parties that the Commonwealth shall be entitled to, in consequence of the failure of the parties of the second part, to perform the stipulations of this contract.

It is further understood that the decision of the Chief Engineer and Resident Engineer shall be final and conclusive, in all disputes, matters and things, relative to this contract; and each and every of said parties do hereby waive any right of action, suit or suits, or other remedy at law or otherwise, by virtue of said covenants; so that the decision of the said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed, that if in any case, the parties of the second part shall execute any portion of the work defectively, and shall neglect or refuse to correct the imperfection, that the Engineer shall have power to make any deduction, or deductions, which he may think proper, from the stipulated price or prices for such work.

The parties of the second part do hereby promise to commence the work as soon as thereto directed by the Engineer, and to execute as much of the work as may be deemed practicable by the Engineer, during the present season; and that the whole work shall be finished and delivered up, on or before the first day of December, 1839.

It is further understood, that this contract shall not be binding upon the Commonwealth, until it shall be approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals, the day and year herein before mentioned.

(Signed Duplicates.)

WM. B. FOSTER, Jr., *Res. Eng.* [SEAL.]

JOHN S. EAVES, by } [SEAL.]

SANDERS EAVES. }

SANDERS EAVES, [SEAL.]

W. A. EAVES, [SEAL.]

Approved,

J. T. MOREHEAD, P. B. I. I.

Appointment of, and instructions to, JOHN W. POWELL, Superintendent of Muddy river.

RUMSEY, KY., August 28, 1838.

Maj. JOHN W. POWELL:

SIR—You are appointed Superintendent of the work to be done for the improvement of the descending navigation upon Muddy river. You will procure the necessary tools, implements, &c., and proceed to the execution of the work—commencing at the mouth of Muddy river, and progress up-

wards, to the mouth of Wolf Lick. That portion of the stream which will be affected by the slackwater formed by Dam No. 3, across Green river, should be first attended to, and the obstructions removed before the water shall have raised, so as to submerge any obstacle that would interfere with the safe descending navigation. You will employ as many hands as may be necessary to an economical execution of the work, and proceed with due diligence, so as to accomplish the whole work during the present season, if practicable.

The obstructions to be removed, consist principally of fish dams, rocks and snags in the channel, and of leaning trees along the banks. The stooping trees along the banks should be cut close to the ground, and trimmed up and cut into lengths not exceeding fifteen feet.

The snags in the channel should be cut off even and level with the surface of low water; and where drifts or accumulations of timber occur, they should be cut loose, and into lengths of about fifteen feet, in order that they may pass out during high stages of water.

Rocks which are in situations to obstruct the navigation, should be removed.

Should any other obstructions come under your observation, and which are not mentioned, you will exercise your best judgment and discretion in regard to them.

Your compensation will be at the rate of two dollars per day, and necessary expenses, while engaged in the performance of the duties herein enjoined.

You will keep an accurate account of all monies received and expended by you, with proper vouchers to accompany your account when rendered.

On the 30th November next, you will make out an account current; and at the end of every month thereafter, while engaged in the performance of this duty, an account will be made out, exhibiting your receipts and expenditures on account of the work, which will be submitted to the Engineer or agent of the Board of Internal Improvement, who may, for the time being, have the supervision of the work; and if approved by him, you will be credited accordingly.

You will conform to such further directions in regard to the work, and keeping and rendering your accounts, as may hereafter be given; and suspend and close your operations, whenever thereto directed by the Engineer or agent of the Board of Internal Improvement.

You will, after entering into bond to the Commonwealth, with approved security, receive from James R. Skiles, Esq., at Bowlinggreen, from time to time, such sums of money as may be necessary to enable you to prosecute the work.

This appointment will be submitted to the President of the Board of Internal Improvement, for his approval or otherwise.

Respectfully, yours, &c.

WM. B. FOSTER, Jr.,
Resident Engineer.

Approved,
J. T. MOREHEAD, P. B. I. I.

REPORT on the Kentucky River Navigation.

FRANKFORT, KY.,
December 1, 1838. }

TO SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky:

SIR:

The following statement in relation to the progress and condition of the Kentucky River Navigation, is respectfully submitted.

During the early part of the season, a series of freshets in the Ohio and Kentucky rivers, prevented the contractors from commencing or resuming the masonry of the locks, at as early a period as was desirable. After several well directed, but fruitless endeavors, on the part of the contractors, to effect this object, the masonry was not generally resumed until the latter part of July: and at lock No. 1, (owing to the peculiar situation of that lock in the backwater of the Ohio river,) not until the 20th August. Since that period, the season has been peculiarly favorable—both rivers have been at their extreme lowest stage, and the whole of the works have progressed uninterruptedly to the present time.

The following are a few of the more important particulars, in relation to the several locks and dams under contract and in progress:

Lock No. 1—near the mouth. The foundation of the walls below the breastwork, is nearly all laid. The land wall is built up to a height of about 11 feet, and it is hoped that this and the river walls, will attain such a height before the close of the season, as will enable the contractors to make an early commencement in the spring. The coffer dam sustained no injury from the spring freshets, and still remains perfect.

Lock No. 2—Six Mile Ripple. The whole of the foundations have been laid, and the walls built up to a height of about 10 feet, which places the work measurably beyond the reach of ordinary rises of the river—the dam abutment pit has been partially excavated.

Lock No. 3—Cedar Ripple. Condition of the work similar to that of No. 2.

Lock No. 4—near Frankfort. This lock is further advanced toward completion than either of the others. The walls are built up to a height of about 21 feet. The abutment pit is partially excavated.

Lock No. 5—above Frankfort. The walls are carried up from 13 to 15 feet in height, and are above the reach of ordinary freshets. Abutment pit excavated in part.

Dams.—No progress has been made (toward their completion) beyond the delivery of materials, and the partial excavations for the abutments.

The following table exhibits the amounts and aggregate value of work done, and materials procured or delivered, at each of the sites, up to the dates of the last estimates made, on or about the 1st of December.

ITEMS.	LOCKS AND DAMS.		
	No. 1.	No. 2.	No. 3.
Masonry, perches, - - -	1,820	1,930	2,383
Cut stone, perches, - - -	690	658	986
Rough stone, perches, - - -	1,289	1,473	946
Dam, filling, yards, - - -	608	5,000	2,400
Squared timber, feet, - - -	2,380	22,261	29,677
Round timber, feet, - - -	11,000	4,720	900
Six and eight inch plank, feet, -	22,400	15,000	25,000
Two and three inch plank, board measure, feet, - - -	48,600	76,500	
Excavation, earth, yards, - - -	23,500	9,000	16,293
Excavation, rock, yards, - - -	3,100	4,755	5,525
Incidental, dollars, - - -	2,200	250	375
Estimated value, dollars, - - -	39,238	33,709	37,497

Table—Continued.

ITEMS.	LOCKS AND DAMS.		AGGREGATE.
	No. 4.	No. 5.	
Masonry, perches, - - -	5,882	3,518	15,533
Cut stone, perches, - - -	469	1,002	3,805
Rough stone, perches, - - -	927	1,692	6,327
Dam, filling, yards, - - -	-	2,400	10,408
Squared timber, feet, - - -	8,950	8,800	72,068
Round timber, feet, - - -	17,600	14,860	49,080
Six and eight inch plank, feet, -	10,500	4,000	76,090
Two and three inch plank, board measure, feet, - - -	31,300	46,000	202,400
Excavation, earth, yards, - - -	26,193	16,468	91,454
Excavation, rock, yards, - - -	800	3,416	17,596
Incidental, dollars, - - -	430	175	3,430
Estimated value, dollars, - - -	51,400	41,753	203,597

Although the progress of the works toward completion, for the current year, has been very fair, all things considered—it has yet, not realized the expectations entertained in the early part of the season. As the circumstances connected with this subject are already familiar to you, a repetition of them is deemed superfluous.

With extraordinary exertions, the *completion* of locks and dams Nos. 2, 3, and 4, could possibly be effected next year; and of Nos. 1, and 5, the year following: but whether this will be effected or not, is a question depending almost exclusively upon the favorableness of the season, and upon the amount of labor called into requisition for its accomplishment.

For particulars relative to the incipient stages of the improvement—description of sites—quarries, &c. &c., I would beg leave to refer you to my last year's report.

Very respectfully,

M. R. STEALEY, *Res. Eng. Ky. Riv. Nav.*

REPORT on the *Licking River Navigation.*

OFFICE OF THE RESIDENT ENGINEER,
OF THE LICKING RIVER NAVIGATION, }

Covington, November 30th, 1838.

SIR:

I have the honor to submit the following report upon the operations on the Licking river navigation, during the present year.

On the 24th of October, 1837, five locks and dams were placed under contract on the Licking river, which were calculated to make a navigation of $51\frac{1}{4}$ miles in length, and overcome a descent in the river of 80 feet: and the contractors were required to commence procuring and delivering the necessary materials for the construction of the works by the 1st day of January, of the present year.

It was understood at the time of entering into the contracts, that the stone, for building locks Nos. 1 and 2, was to be procured from some of the good sand stone quarries on the Ohio river; and early in the season we were informed by the contractors for those locks, that they had procured a suitable quarry, situated $1\frac{1}{4}$ miles from the Ohio river, and about 116 miles above the mouth of the Licking river, and that a competent force was employed in stripping the quarry and constructing a railroad from it to the river. The quarry has since been examined at three several times, and it is believed to be a good one, and capable of yielding more stone than will be necessary for the construction of two locks. The railroad has also been examined; it is constructed entirely of wood, and is deemed sufficient for the delivery of all the stone produced from the quarry.

The contractors for Nos. 1 and 2, have also procured a steamboat for towing, and six large boats for transporting the stone. They made an effort, early in the summer, to commence the delivery of their stone, but the two

boats, with which they made the trial, owing to the early commencement of the dry summer we have experienced, and the low water in consequence, were grounded on a sand bar, 18 miles below the quarry, where they have laid all the summer—the water never having risen sufficiently to float them until within the present month. They have now commenced delivering stone, and landed the first boat load at No. 1, on the 24th inst. The quarry is sufficiently stripped to yield about 5,000 perches of stone, about 1,000 of which have been got out. By the permission of the Board of Internal Improvement, two estimates of stone have been made at the quarry, amounting to about \$2,500.

At lock No. 3, the contractors commenced at an early date to examine the hills, adjoining the lock site, for a quarry that would yield such stone as was required by the specification. They first opened one back of the lock site, at the distance of about 400 yards, which only yielded inferior lime stone, in strata from 4 to 7 inches in thickness; and at a later period, they opened one in the bank of the river, a short distance above the lock site, which they have continued to work until the present time, although it has proved incapable of furnishing any of the face stones for the lock walls. They have been for a long time convinced that, without opening new and better quarries, it would be impossible for them to comply with their contract, and this fact has been urged upon them so strongly and repeatedly, without their having made any other than mere coup d'œil examinations for better stone in the vicinity, nor any arrangements to procure suitable stone from any other vicinity, that I have felt it my duty to suggest to you, as I have more than once done, the necessity of exercising the power given us by the contract, of declaring it null and void, for inability or negligence in prosecuting the work in a proper manner.

The contractors have continued to work at the quarry in the river bank during the summer and autumn, with an average force of about 15 men, and on the 1st day of the present month, had only obtained 300 perches of stone, which are of inferior quality. The quarry is, however, so near the lock site, that the stripping will furnish the stone filling for the dam, which has been estimated to the amount of 3,000 perches.

The contractors having been especially notified that it was indispensable that some arrangements should be immediately made for procuring the face stones and coping for the lock walls, on the —— day of October, they informed me that they had engaged with the owner of a quarry at Rockville, on the Ohio river, to furnish them with as much sound stone, in blocks conformable in size to those required by the specifications, as would be necessary for the face work and coping of the lock; and, also, that they had contracted for the building of two boats suitable for the transportation of stone.

The contractor for locks and dams Nos. 4 and 5, at an early date, commenced opening a quarry near the site of No. 5, which presented very flattering indications of the quality of the stone it would probably yield, but the appearances proved, after a fair examination, deceptive. He made another excavation in the same vicinity, which also produced stone of an inferior quality. He made a third effort to find a suitable quarry, by making an excavation in the side of the hill next the river bank, at a point 2 miles below the site of No. 5, and $7\frac{1}{2}$ miles above No. 4. The stripping of this last quarry proved to be so expensive, and the indications of its yielding a large supply of good stone were so discouraging, that the contractor, on

the first of June, addressed the Chief Engineer and myself a letter, in which he requested to be absolved from his contract for constructing lock and dam No. 4, alleging as his reason for abandoning it, the inferiority of the stone quarries in the vicinity, and his own inability to execute the work. The quarry which he last opened, has yielded some stones of the proper size and quality for the lock walls, and is capable of yielding many more, though the expense of obtaining them will be very great.

About the 1st of June, the difficulty of procuring stones of the dimensions required by the specification, from the lime-stone quarries in the vicinity of locks Nos. 3, 4 and 5, became so manifest, that the Chief Engineer was induced to consent that the backing stones of the lock walls might be reduced in thickness, so that two courses of backing should equal in thickness one course of face stones, and that the courses of the abutments might be reduced to six inches in thickness. I am of the opinion that this alteration has removed all the difficulties of procuring the necessary materials for the construction of the lock walls from the vicinity, except the face stones and copings, which will require about one third of the stones for each lock to be obtained from some other places.

On the 15th of June, lock and dam No. 4, was re-let to Palmer and Guiou, the contractors for Nos. 1 and 2—and very soon after that date, they commenced opening several quarries in the vicinity, and at a later period, excavating the lock-pit.

On the 31st of August, J. B. Miles, the contractor for No. 5 died, and the operations on his work, ceased immediately. He had procured some materials, but his lock-pit had never been marked out for excavation.

The following table exhibits the quantity of work done and materials delivered at each one of the lock sites, up to the date of the last estimate, which was November the 1st.

TABLE.

DENOMINATION.	LOCKS AND DAMS.		
	No. 1.	No. 2.	No. 3.
Cut stone, for lock walls, perches, -	312		
Rough stone, for lock walls, perches,	438	13	
Rough stone, for abutments, perches,	-	80	300
Stone filling, for dam, yards, - -	-	500	3,050
Lock irons, pounds, - - -	7,720	7,720	7,500
Dam irons, pounds, - - -	10,338	10,338	11,100
Hewed timbers, feet, lineal, - -	-	-	1,114
Round timbers, feet, lineal, - -	-	-	5,000
Earth excavation, yards, - - -	8,000	7,700	5,000
Rock excavation, yards, - - -	350	300	
Cutting and clearing, dollars, - -	27	70	100
Estimated values, dollars, - - -	6,150 54	3,862 54	4,282 68

TABLE—Continued.

DENOMINATION.	LOCKS AND DAMS.		AGGREGATE.
	No. 4.	No. 5.	
Cut stone, for lock walls, perches, -	-	-	312
Rough stone, for lock walls, perches, -	-	-	451
Rough stone, for abutments, perches, -	130	263	773
Stone filling, for dam, yards, -	500	-	4,050
Lock irons, pounds, - - -	7,720	4,764	35,424
Dam irons, pounds, - - -	10,338	-	42,114
Hewed timber, feet, lineal, - -	-	-	-
Round timber, feet, lineal, - -	-	3,000	8,000
Earth excavation, yards, - - -	1,500	-	22,200
Rock excavation, yards, - - -	-	-	650
Cutting and clearing, dollars, - -	75	50	322
Estimated value, - - - -	2,424 04	1,273 60	18,013 40

Four of the lock-pits and three of the abutment-pits have been excavated as low as the solid rock this season, and there is no reason to doubt but they will afford good foundations for the walls.

By your directions, I have caused the channel to be excavated across the ledge of rocks at the mouth of the Licking river into the Ohio, to the depth of 20 inches at the lowest stage of water ever known in the Ohio river. This channel is now 1250 feet in length and 100 feet wide, and its direction is in the line of the resultant of the two forces formed by the currents of the two rivers. Its execution required the removal of about 3,000 cubic yards of stone and slate, about 800 of which were blasted under water. It is believed that it will not fill up, and its depth, in ordinary seasons, will never become less than three feet. The total expenditure of this improvement amounted to \$5,383 47.

Hydraulic lime has been discovered to exist in great quantities in thin layers, alternating with slate and granular lime-stone at the mouth of the Licking river; in the excavations for the lock-pits of Nos. 1 and 2, and in the banks of Three Mile and Bank Lick creeks. From the first mentioned locality, it has been transported to an establishment for manufacturing it, on the Miami canal, eight miles from Cincinnati, and has been extensively used in that city for the construction of cisterns and other purposes, and pronounced by those who have used it, as good as any ever before in the market.

The progress of the works on Licking river, have been singularly retarded during the past season, by various obstacles—some of them, insurmountable. The Ohio river became unnavigable unusually early, and this not only prevented the delivery of the stone which was quarried on its banks, at the

two lower locks, but cramped the ability of the contractors in quarrying more. The serious difficulties encountered in discovering stone quarries on the upper part of the river, were wholly unexpected. The abandonment of one of the contracts, and the death of a contractor, are among the causes of retardation, proper to be mentioned.

During the next year, it will be practicable to build the locks and abutments at the two lower sites, and to lay about 2,000 perches of masonry at each of the upper ones, provided No. 5 is re-let in a short time, which is now nearly certain. This much being done, would insure the completion, during the following year, of the whole work at Nos. 1 and 2, and all the masonry work at the other locks. The final completion of the whole work now under contract, may be expected by the autumn of 1841.

I have the honor to be, sir,

Very respectfully, &c.,

N. B. BUFORD, *Res. Eng. L. R. N.*

SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

REPORT on Louisville Turnpike Road in Jefferson county.

LOUISVILLE, }
July 19th, 1838. }

SIR:

Under your letter of instructions of the 6th inst. the survey, location, estimates, plans and specifications of that part of the *Louisville and Elizabethtown* Turnpike Road, not before put under contract, in Jefferson county, has been completed. Schedule (G) exhibits the cost of the work in detail.

The location and completion of the first five miles of this road was carried too far South to give the best ground for the present located portion—there being near the termination a flat and swampy piece of land, which has to be crossed before the sand ridge could be reached—that done, the sand ridge was pursued until it terminates in the Big run creek, a distance of about three miles. This portion of the road will be easily drained—the ridge being from three to eight feet above the flat lands.

Big run will require a bridge of twenty feet *span*; the bed and banks of this stream are alluvial—the bridge abutments will be built on a timber foundation, sunk two feet below the surface of the water; the abutments will be 11 feet high, and must be built of sand stone. After passing this creek a low flat piece of land commences, and extends about 700 feet; this will be well raised by taking earth from the side ditches, when you reach another sand

ridge that extends to the farm of Mr. Magruder, a distance of one mile. At this point the *knob* lands approach near the low lands, and from the constant flow of water from their basis, the road bed will be difficult to drain; in consequence of which two large ditches have been estimated to carry off the water. The form and dimensions of which are shown in the accompanying fig. 2* of the *cross section* of the road-bed. After passing the basis of these knobs, the lands, though low and level, will be easily kept drained by similar drains to those before referred to, (in fig. 2.) For the sections No. 11 and 12, which passes Kemp's old tavern, or Scott Jones' at present, a higher and dryer location could have been made, by laying farther east; but on an examination, I found some deep ravines to cross, and the line would sever and cut up some very valuable farms. From Jones', the line was kept near to the edge of *Clear pond*, for the first half mile of section No. 13, when this pond is crossed. In this portion of this section, the road will be easily drained. At this point the Clear and Long ponds are within 400 feet of each other. The best line would have been to keep the road near the east side of the Long pond to near its outlet into *Pond Creek*; but on examination I found that the work extending $4\frac{5}{8}$ miles up the Ohio river, from Salt river, and under contract, all grubbed and cleared; and unless it was abandoned, would force me to cross Long pond—this course was adopted. It requires a heavy embankment, and a twenty feet bridge. This pond, in the summer season, is dry, and in floods has from one to three feet of water in it. The bottom is a soft black mud, based on a hard and tough clay. The bridge abutments will be seven feet high, based on a timber foundation.

After crossing the Long pond, a dry and high sand ridge is followed for the residue of the distance, to the end of Reed's contract.

By reference to the *schedule*, this distance will be found to be nine miles and twenty nine and one half poles. The cost of this same length of road is \$20,379 67, or \$6 97 cents per pole, including bridges, and all items of work required to complete the same.

This road is to be graded 50 feet wide, and all timber cleared which stands within 30 feet of the centre line. The road bed will, in all cases, be a *semi-ellipse*, having a transverse diameter of 50 feet, and semi-conjugate diameter of 1 foot.

The lands over which the line passes are sufficiently undulating to carry off the water; and in all cases the side ditches will communicate with a natural drain or culvert. The culverts are not to be less than two feet in their spans—and several of three feet spans have been adopted.

The grubbing is of the heaviest class. The masonry is placed at rates higher than usual, owing to the great scarcity of stone. For detail prices, &c. I refer you to schedule G.

This road is to be put under contract the first of August.

A line has been run over the four and five eighths miles, next to Salt river, and sold to Joseph Reed. I understand that this four and five eighths miles are contracted to be completed and McAdamized for \$28,000. The residue of the distance, to the mouth of Salt river, is 2707 feet, at the edge of the water in Salt river. The water surface of the river was found to

*This plate is omitted, because it cannot be well represented in ordinary letter press printing.—
[Pub. Printer.]

measure 240 feet, and the distance from the river to Coleman Lewis' tavern, 429 feet—thence to the end of the turnpike, south of Salt river, 2487 feet, making the distance 5124 feet, exclusive of the distance across the river not under contract.

I found the flood of 1832 raised fifty nine feet and four tenths higher than the surface of the water in the river at the *stage* it was in when the survey was made, which was stated to be about ten feet above the low water mark, making the total rise above low water 69.4 feet. At this point, when the lowest stage of water occurs, the water in the river measures from 14 to 15 feet in depth—my soundings, taken at the time of making the survey, made the water $24\frac{1}{2}$ feet deep. The bottom is soft and muddy for three feet, when it seems to be sandy and less yielding.

A map of the road with a profile of the river section will be made and filed in proper time.

Which is submitted with respect.

H. J. EASTIN, *Res. Eng.*

SCHEDULE G,

Showing the estimated cost of that portion of the Louisville Turnpike Road, between the termination of the turnpike and the end of Reed's contract.

SECTIONS.	Length of section.	Grubbing.	Price.	Culvert masonry.	Price.
No.	Poles.	Poles.	Dolls. Cts.	Perches.	Dolls. Cts.
Six, - -	321.2	123.4	2 50	80	2 50
Seven, - -	-	-	2 50	180	2 50
Eight, - -	-	65.1	2 50	130	2 50
Nine, - -	-	89.1	2 50	150	2 50
Ten, - -	-	54.	2 50	60	2 50
Eleven, - -	-	150.69	2 50	60	2 50
Twelve, - -	-	43.4	2 50	90	2 50
Thirteen, - -	-	125.3	2 50	40	2 50
Fourteen, - -	-	279.5	2 50	60	2 50
Total cost, - -					

SCHEDULE G—Continued.

SECTIONS.	Excavation.	Price.	Surplus excavation.	Price.	Embankments.
No.	Cubic yds.	Cents.	Cubic yds.	Cents.	Cubic yds.
Six, - -	3,063	10	2,012	15	3,063
Seven, - -	3,680	10	1,342	15	3,680
Eight, - -	8,176	10	686	15	8,176
Nine, - -	4,939	10	2,704	15	4,939
Ten, - -	5,919	10	1,938	15	5,919
Eleven, - -	8,605	12	-	15	11,906
Twelve, - -	8,861	12	-	15	9,429
Thirteen, - -	4,266	10	953	12	4,266
Fourteen, - -	572	10	1,639	12	572
Total cost, -					

SCHEDULE G—Continued.

SECTIONS.	Price.	Bridges' span.	Price lineal.	Masonry in abutments.	Price per perch.
No.	Cents.	Feet.	Foot.	Perches.	Dollars.
Six, - -	13				
Seven, - -	13				
Eight, - -	13	20	-	212	3 00
Nine, - -	13				
Ten, - -	13	20	-	112	3 00
Eleven, - -	15				
Twelve, - -	15				
Thirteen, - -	13	20	-	164	3 00
Fourteen, - -	13				
Total cost, -					

SCHEDULE G—Continued.

SECTIONS.	Cost of each section.	Cost of each section without bridge.	Cost of each section per pole without bridge.
No.	Dolls. Cts.	Dolls. Cts.	Dolls.
Six, - - - - -	1,549 79	—	4.815
Seven, - - - - -	1,497 70	—	4.733
Eight, - - - - -	3,207 13	2,471 13	7.760
Nine, - - - - -	2,140 07	—	6.210
Ten, - - - - -	2,373 07	1,937 07	5.800
Eleven, - - - - -	3,345 22	—	10.48
Twelve, - - - - -	2,811 17	—	8.15
Thirteen, - - - - -	2,129 38	1,537 38	4.65
Fourteen, - - - - -	1,226 16	—	4.37
Total cost, - - - - -	20,379 67		
Contingencies, - - - - -	1,018 98		
Total cost, - - - - -	21,388 65		

Length of line surveyed—9 miles, 29.5 poles. Average cost per pole—\$6 97. Average cost per pole, without bridges—\$6 36.

REPORT on the Louisville Turnpike--Elizabethtown to Salt River.

ENGINEER'S OFFICE, 28th June, 1838.

I have attended a sale of fourteen sections of the Louisville Turnpike road between Louisville and Elizabethtown, on the 21st inst.; the bids were numerous, yet high; the contracts were taken by James F. McCague, Nathaniel Pyke, B. B. Edmonson, and John S. Culley; the contract is filed as closed by the directors and the above named contractors, for your inspection. The price for grading, grubbing, clearing and masonry, is at \$5 25 per lineal pole, the grade to be forty feet wide. For stoning the roadway, eleven dollars, nine cents and one half per pole—the metal to be 18 feet wide, and 1 foot in depth. This road will cost for grading, \$1,680 per mile, and the stoning \$3,550 40 per mile. Total cost per mile, \$5,230 40. This contract is to be closed on the 10th July, 1840.

A few points on this line would make a tolerable road without stoning, say two sections. I consider it important to stone the whole road, as it will be much more traveled than any portion of the road south of the mouth of Salt river; and, I fear, unless it is stoned, will be too soft and yielding to answer a good purpose as a road.

The whole travel of the country south west of Elizabethtown concentrates at Elizabethtown, and passes this road to Louisville; and the greater portion of the produce carried in wagons, and shipped from the mouth of Salt river; and all the goods vended in the Green river country at present, are hauled and transported over it. I consider the sales at fair rates, and the contract was closed under my direction.

Which is respectfully submitted.

HENRY J. EASTIN,
Resident Engineer.

To SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

ELIZABETHTOWN, 31st May, 1838.

SIRS:

Under your direction, a survey has been made of that portion of this road, lying between the top of Muldrow's Hill and the five miles formerly sold, next Elizabethtown; the distance, as located, is thirteen and ninety six hundredths miles.

The surface of the country being undulating, and some of the dividing ridges high, and affording but few suitable points for passing them, those points requiring the lightest grades were selected. I have also selected the best ground, without regard to direct lines; and the road, as located, passes around the hills, and not over them.

A grade of two degrees was adopted, and in no case does the elevation exceed one foot in twenty eight and sixty five hundredths feet. The align-

ment is circuitous, though no curve is so short as to render the traveling dangerous.

The country is much broken, having, for the first three miles from the southern end of the road, deep ravines passing through it; the lands are all second rate quality, and but sparsely populated. There will be no bridges required, and no culvert of a span larger than two feet; there will be required, from three to eight culverts per mile of road.

The soil is a mixture of sand and clay loam; in wet weather cuts deep, but soon dries on exposure to the wind and sun.

The stone is generally blue and compact limestone; the hill sides and ridges are strongly intermixed with silex and *Burrh* stone, in small lumps. The limestone, I find on examination, will be sufficiently convenient for the purpose of making a good road cover, varying in distance from the edge of the road bed to one and a half miles; the greatest scarcity exists on the three miles next Elizabethtown.

The excavations and embankments are light, having preferred to increase the length of the road, to making deep cuts or fills.

There frequently occurs table lands, on and near the tops of the ridges; care will be required, in making the road, to drain it; not unfrequently, a ditch on each side of the road bed; but also two field drains, one on each side, to carry off the water. There are more or less of these wet lands on each section.

The grubbing and clearing are medium; the timber, post, white, black, red oak, and hickory, and a thick undergrowth of hickory and oak brush.—I have estimated the grubbing and clearing at one dollar and twenty five cents per lineal pole.

The *dimensions* of the road are as follows: Cleared, sixty feet; grubbed, forty feet; and the graded road bed to be forty feet wide throughout the line, with a drain on each side, sunk not less than fifteen inches below the horizontal surface of the road bed, one foot wide at bottom, 3.87 feet wide at top, and are estimated to require, each, $594\frac{1}{2}$ cubic yards to make them, per mile; they are to be used in all cases where the embankments do not raise the road bed fifteen inches above the natural surface of the ground, and field ditches are to be made on the sides of the road, at least five feet from the edge of the graded surface, at points sufficiently often to require the deficit, or to use the drains not made where there are embankments above fifteen inches in height.

The stone roadway is to be made 18 feet wide, and composed of a pavement sunk in the road bed three inches below the horizontal surface, eight inches deep, set up as specified in the direction for making turnpike roads, as prepared by the Chief Engineer of Kentucky. Upon this pavement, a strata of five ounce broken stone is to be laid, so as to form a cover equal to four inches in depth, over the whole surface of the pavement. This will make the artificial road bed one foot thick or deep.

A printed direction, for the construction of turnpike roads, a specification, form of contract, a plan of the road bed, culverts, and also a copy of the field notes, embracing all the ascents, descents, depth of cutting and filling, are filed with this report, with the president and managers. They have been instructed and required to construct this road after one of the specifications—either pavement and broken stone, or all broken stone, making no alteration or abatements. A map of the road, with a profile of the ground,

will be made so soon as the duties of the Engineer service will permit; a copy will be sent to the president and managers, and the original, with the original field notes, filed in the Engineer's office of the State of Kentucky.

Schedule E. exhibits, in detail, in tabular form, all the work required to complete this road. By an inspection, the total cost of the fourteen miles will be seen to be \$69,306 46. The cost of grubbing and clearing, grading, masonry in the culverts, drains, ditches, and all the work, except the stone cover of the roadway; is \$22,015 45; or \$1,572 53 per mile; the stone roadway will cost \$47,291 01, for 14 miles; or from \$10 37½ to \$11 per pole. To the total cost, I have added ten per cent. for contingencies, &c., making the *grand total cost*, \$76,237 10; or nearly \$5,445 50 per mile.

Of the utility of this road, none doubts, who have the prosperity of the country through which it passes, properly in view. It is the great highway from the city of Louisville and the north western States; and during the seasons of the year when the Cumberland and Green rivers are at too low a stage of water for steamboat navigation, or when the navigation is checked by ice, all the carrying trade is done on it, for the States of Tennessee, Alabama, and the entire southern and western parts of the State of Kentucky. The travel on it is large, perhaps greater than on any road in the State.

What profits the stock in this road will yield, must depend on the manner in which it is constructed; if well made, and does not require too much repairs to consume the tolls, a dividend of from 5 to 7 per cent. will be the maximum, and from 3½ to 4 a minimum per cent. at all risks. The profits may safely be set down as equal to any road in which the State has an interest.

In executing this survey, much aid was derived from the surveys previously made by R. P. Baker, Esq. The notes were taken with a theodolite, by L. J. Berry, and kept by R. Akin, my assistants; and the estimate made jointly by the corps. Those young gentlemen are fully competent, and discharge their duties faithfully.

By a resolution of the board of managers, this road has been advertised to be sold on the 20th June next; and, it is expected, will be speedily completed to the mouth of Salt river.

I was attended, on this survey, by three of the managers, to wit: Major James Crutcher, John L. Helm, and Daniel Haycraft, Esqrs.; to them, the corps are under obligations for their attention.

Which is respectfully submitted.

HENRY J. EASTIN,
Resident Engineer.

TO SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

And to the President and Managers of the Louisville Turnpike road Co,

SCHEDULE E.

Estimate of the Louisville Turnpike road from Frierear's to top of Muldrow's Hill.

SECTIONS.	Length of section.	Grubbing.	Price per pole.	Masonry in perches 25 cubic feet.	Price per perch.
No.	Poles.	Poles.	Dols. Cts.	Perches.	Dls. Cts.
One, - - -	313.51	58	1 25	162	1 50
Two, - - -	324.97	34	1 25	108	1 50
Three, - - -	315.52	156	1 25	162	1 50
Four, - - -	358.96	69	1 25	189	1 50
Five, - - -	318.00	185	1 25	162	1 60
Six, - - -	319.64	306	1 25	162	1 50
Seven, - - -	318.25	246	1 25	81	1 50
Eight, - - -	331.87	247	1 25	108	1 50
Nine, - - -	322.84	23	1 25	81	1 50
Ten, - - -	316.91	45	1 25	135	1 50
Eleven, - - -	373.87	84	1 25	189	1 50
Twelve, - - -	283.75	158	1 25	108	1 50
Thirteen, - - -	342.48	223	1 25	54	1 50
Fourteen, - - -	228.48	228	1 25	108	1 50
Totals, - - -	4,468.05	2,062	-	1,809	
Add ten per cent. for contingencies,					
Grand total cost, -					
Cost per mile, -					

SCHEDULE E—Continued.

SECTIONS.			Embank- ment in cu- bic yards.	Price per yard.	Excavation in cubic yards.	Price per yard.	Extra excava- tion in cubic yards.	Price per yard.
No.			Yards.	Cts.	Yards.	Cents.	Yards.	Cts.
One, - - -			4,187	10	3,904	10	3,961	13
Two, - - -			2,015	10	1,903	10	3,167	13
Three, - - -			4,204	10	3,476	10	3,593	13
Four, - - -			3,442	10	2,301	10	3,437	13
Five, - - -			3,580	10	3,286	10	3,481	13
Six, - - -			2,714	10	2,854	12	5,272	13
Seven, - - -			5,895	10	5,544	13	2,402	13
Eight, - - -			3,748	10	2,828	13	4,206	15
Nine, - - -			2,973	10	3,121	10	3,143	13
Ten, - - -			5,168	13	3,014	10	2,975	13
Eleven, - - -			6,006	10	6,299	10	3,039	13
Twelve, - - -			3,304	10	3,978	10	4,447	15
Thirteen, - - -			2,189	10	3,112	10	2,295	13
Fourteen, - - -			1,904	10	1,614	10	2,519	13
Totals, - - -			51,325	-	47,234	-	47,937	
Add ten per cent. for contingencies,								
Grand total cost, -								
Cost per mile, -								

SCHEDULE E—Continued.

SECTIONS.	Stoning road way.	Price per pole.	Total cost of each section.	Average cost per pole.	Cost of road per section without stone.
	Dolls. Cts.	D. Cts.	Dolls. Cts.	D. Cts.	Dolls. Cts.
One, - - -	313 51	11 00	5,088 80	16 22	1,639 53
Two, - - -	324 97	11 00	4,582 68	14 10	1,008 01
Three, - - -	315 52	11 00	5,143 81	16 30	1,673 08
Four, - - -	358 96	10 37	5,113 27	14 25	1,390 86
Five, - - -	318 60	10 37	4,911 04	15 44	1,613 38
Six, - - -	319 64	11 00	5,440 78	17 00	1,924 74
Seven, - - -	318 25	10 37	5,351 73	16 81	2,051 48
Eight, - - -	331 87	10 37	5,285 58	15 92	1,844 09
Nine, - - -	322 84	10 37	4,516 09	13 98	1,168 24
Ten, - - -	316 91	10 37	4,905 09	15 47	1,618 24
Eleven, - - -	373 81	10 37	5,891 10	15 75	2,014 07
Twelve, - - -	283 75	10 37	4,697 23	16 55	1,754 75
Thirteen, - - -	342 48	10 37	4,739 71	13 81	1,188 20
Fourteen, - - -	228 48	11 00	3,639 55	15 81	1,126 27
Totals, - - -	4,468 05	-	69,306 46	-	22,015 45
Add ten per cent. for contingencies,	-	-	6,930 64		
Grand total cost, -	-	-	76,237 10		
Cost per mile, -	-	-	5,445 50		

SCHEDULE E—Continued.

SECTIONS.		Cost of metal per section.	REMARKS.
No.		Dolls. Cts.	
One,	- -	3,449 27	This section ends on black oak sapling, between Syphus and Sink.
Two,	- -	3,574 67	This section ends on stake 19.7, to left hand in Rive's field.
Three,	- -	3,470 72	This section passes Irvin's Hill, ends on stake in field.
Four,	- -	3,722 41	This section passes Mrs. Buckner's, ends in Haycraft's lot.
Five,	- -	3,297 66	This section passes Dr. McMurtrey's, ends on black jack.
Six,	- -	3,516 04	This section passes Crutcher's Hollow, ends in Old field.
Seven,	- -	3,300 25	This section passes Cruise's, ends on oak 9 feet to right.
Eight,	- -	3,441 49	This section passes off the Ridge, ends at D. Sheet's.
Nine,	- -	3,347 85	This section (post 34 to L) passes Wooldridge Arbot's, ends at Bogarts.
Ten,	- -	3,286 35	This section passes Thruston's, ends on black jack, 7.5 to right.
Eleven,	- -	3,877 03	This section passes Rosson's, ends on walnut, 12 feet to left.
Twelve,	- -	2,942 48	This section passes Tarrent's, ends on black jack 7.5 to right.
Thirteen,	- -	3,551 51	This section passes B. Harris', ends on large red oak in line.
Fourteen,	- -	2,513 28	This section passes through oak woods, ends at top of hill.
Totals,	- -	47,291 01	
Add ten per cent. for contingencies,			
Grand total cost,			
Cost per mile, -			

REPORT on the Louisville Turnpike—Elizabethtown to Bell's.

MUNFORDSVILLE, June 7th, 1838.

SIRS:

The president and managers of this turnpike road, through Jas. R. Skiles, Esq., having asked the aid of one of the Resident Engineers, in the service of the State, to assist them in placing this work under contract properly—contracts having been entered into on the _____ 1837, which did not fix specific prices for the work to be done, and the Board of Internal Improvement having required the contracts to be so modified as to fix specific prices for all the work, before they would approve them—under your directions, and the directions of the Board of Internal Improvement, with the assent of the president and managers of this road, I have assisted them in so modifying their contracts as to fix specific prices, for which you are referred to schedule F, herewith filed.

On my arrival at Elizabethtown, Mr. James Murray, the president, met me; and the alterations proposed by you, to be made in the location under which the contracts were originally made, not having been completed, and the alterations having much broken up the original line of location; so soon as the alterations were completed and the estimates made, the contracts, by the assent of the contractors, B. B. Edmonson & Co., were so changed as to fix specific prices, and they agreed to execute the work according to the contracts approved by the Board of Internal Improvement, as drawn up by yourself.

The work, as put under contract, amounted to the sum of \$94,537 28, or 6 dollars for each lineal pole of road, to include clearing, grubbing, grading, masonry in culverts and bridges of less spans than six feet; the grade to be forty feet wide, clear of the field drains; the stone cover, as contracted for originally, was to be nine inches thick, laid in two layers of broken stone, the first six inches, weighing not more than eight ounces, the last three inches in depth of five ounce stone; the width to be eighteen feet. The cost per mile, (excluding all work on bridges above six feet span,) and including all other work, was found to be \$5,240; bridges included, \$5,645 per mile.—These prices include all contract prices, if the whole road be covered with stone.

The cost per mile, for all work, excluding bridges over six feet span, and including all other work, except stone cover, is \$1,920; the cost of culverts, per mile, \$350 47; and of bridges above six feet span, \$405 32 per mile.

The price of stone cover, one foot deep and 18 feet wide, on Telford's plan, is \$10 37½ per pole.

The original contracts were so made, that the work was to be executed as follows:

Grubbing and clearing by the pole.

Excavation and embankment by the cubic yard.

Masonry by the perch of 25 cubic feet.

In making the original location, the Engineer, Maj. R. P. Baker, had pursued long straight lines, and encountered, in many places, deep heavy excavations and embankments. The prices paid or fixed in the original contracts were liberal: 19 cents per cubic yard for excavation; the prices paid for grubbing, extravagant, to wit: \$1 50 per lineal pole, the most of the distance through barren land, and light, small growth of timber; the prices paid for masonry, higher than usually paid for culvert work on the turnpike roads in Kentucky, by 30 per cent.; the excavations being in sandy soil generally, and all the work easily to be executed. At first, the contractors all expressed an unwillingness to change their contracts. In changing the location, the deep, heavy cuts and fills directed by you, were avoided; thereby keeping the road bed near the surface, and saving much heavy and expensive work. In doing this, the work was thrown amongst roots, and in the old travelled road, which is very disadvantageous to the contractor; and the original contracts having given the company power to increase or decrease the work, by paying the proper per centage, to be fixed by the Engineer in charge of the work—after much consultation with the managers and contractors, I advised an amount of ten per cent. to be added to excavations and embankments on all the changed or lightened portion of the line, and it amounted to the sum of about \$2,500 on the whole line; the grubbing lost by the change of location, as you partly advised, amounted to \$3,000; on all losses, say five thousand five hundred dollars.

Without going into a detail of the advantages or disadvantages of location, which was upon about fifteen miles, or half the distance, there has been saved to the State and Company, nearly \$300 per mile, or about \$2,000.—And in annual repairs, to remove the earth which abrades and falls from heavy excavations, into the road drains, and washes from the edges of the embankments, which were not unfrequently deep—and by lessening the grades of the road, and thereby increasing the speed of the travel, fully an amount of \$10,000 more. In all, say \$20,000.

The contracts have all been re-taken, by adding the ten per cent. to the excavations and embankments, as above, on the changed portion of the line, and specific prices fixed for all items of work.

Bridge plans, (from the office,) culvert plans, office contracts for duplicates, and printed directions for the construction of the work, have been furnished, and the contracts and duplicates signed and delivered; they were filled up by myself, and nothing is left to create future difficulties between the president and managers and the contractors, or the Board of Internal Improvement.

The cost of the road, as now under contract, is given in its proper column in the schedule F, fixed per lineal pole; all of which is for your inspection.

Should any piling be necessary, and properly made, by the consent of both parties, you (the Chief Engineer,) are to fix the value of the work.

I have left with the president, the following bridge plans: One for Bacon creek, open bridge, 30 feet span; one for Valley creek, 30 feet span, (on the 25th Nov. 1838,) I understand this bridge is changed to 50 feet span; Nolin river, 120 feet, and three of 20 feet span, for bridge run, and the forks of Rood's creek; and Main Rood's creek one of 20 feet span; with specifications and a duplicate for each contractor.

The contractors are generally engaged in the prosecution of their work.

By an order of the Board of Managers, the President, James Murray, is directed to lay before the Board of Internal Improvement, all the contracts, for their approval.

I feel gratified that this matter has been amicably adjusted between the contractors and local Boards; and now advise the Board of Internal Improvement to approve the contracts, and permit the work to progress.

This work was placed under contract, originally, without any definite estimate of the amount of work to be done; which was the cause of any interference by the Board of Internal Improvement. All prices are now specified.

HENRY J. EASTIN,

Resident Engineer.

TO SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

And to the President and Managers of the Louisville Turnpike road, from Elizabethtown to Bell's, or the Three Forks.

SCHEDULE F.

A tabular statement, exhibiting a general estimate of cost and quantity of work on the Louisville Turnpike from Elizabethtown to Munfordsville.

SECTIONS.		Length in poles.	CLEARING LINE.			
			Chop- ping in poles.	Price.	Grub- bing, in poles.	Price.
No.		Poles.	Poles.	D. Cts.	Poles.	Dols. Cts.
One,	- -	320.	3.	50	113.3	1 50
Two,	- -	320.	-	50	238.4	1 00
Three,	- -	333.3	22.82	50	389.2	1 50
Four,	- -	324.7	59.78	50	359.3	1 50
Five,	- -	326.7	48.	50	333.	1 50
Six,	- -	329.1	67.	50	358.	1 50
Seven,	- -	327.7	48.	50	276.	1 50
Eight,	- -	332.1	46.	50	320.	1 50
Nine,	- -	320.	-	50	210.	1 50
Ten,	- -	298.8	19.	50	177.	1 50
Eleven,	- -	320.	-	50	25.	1 50
Twelve,	- -	388.	37.	50	153.	1 50
Thirteen,	- -	320.	18.	50	266.	1 50
Fourteen,	- -	320.	27.	50	197.	1 50
Fifteen,	- -	320.	34.	50	275.	1 50
Sixteen,	- -	323.	59.	50	159.	1 50
Seventeen,	- -	327.7	24.	50	323.	1 50
Eighteen,	- -	320.	-	50	100.	1 50
Nineteen,	- -	320.	-	50	99.	1 00
Twenty,	- -	320.	7.	50	168.	1 50
Twenty one,	- -	320.	16.	50	309.	1 50
Twenty two,	- -	326.4	36.	50	435.	1 50
Twenty three,	- -	320.	-	50	155.	1 50
Twenty four,	- -	314.	-	50	260.	1 50
Twenty five,	- -	363.9	12.	50	290.	1 50
Twenty six,	- -	320.3	-	50	272.	1 50
Twenty seven,	- -	306.8	6.	50	258.	1 50
Twenty eight,	- -	320.	27.	50	282.	1 50
Twenty nine,	- -	320.	24.	50	206.	1 50
Thirty,	- -	320.	3.	50	266.	1 50
Thirty one,	- -	81.8	8.	50	70.	1 50

SCHEDULE F—Continued.

SECTIONS.		GRADING LINE.			
		Excavation of all earth removed over 100 ft. c. yds.	Price.	Embankment removed over 100 ft. c. yds.	Price.
No.		Cubic yards.	Cents.	Cubic yards.	Cents.
One,	- -	6635	13	5235	19
Two,	- -	2023	12	3465	18
Three,	- -	3664	13	2815	19
Four,	- -	5688	13	1575	19
Five,	- -	6342	13	3479	19
Six,	- -	4180	13	1636	19
Seven,	- -	6035	15	1940	25
Eight,	- -	4563	13	1040	19
Nine,	- -	3396	13	1187	19
Ten,	- -	3124	12½	13,018	27
Eleven,	- -	3497	13	2600	19
Twelve,	- -	6652	13	2194	19
Thirteen,	- -	4414	13	2698	19
Fourteen,	- -	3740	13	3790	19
Fifteen,	- -	3863	13	2957	19
Sixteen,	- -	4828	13	3700	19
Seventeen,	- -	3473	13	1650	19
Eighteen,	- -	4978	13	1900	19
Nineteen,	- -	5808	12	1490	20
Twenty,	- -	4524	13	1900	19
Twenty one,	- -	5328	13	1400	19
Twenty two,	- -	5060	13	900	19
Twenty three,	- -	4150	13	1590	19
Twenty four,	- -	4928	13	3580	19
Twenty five,	- -	6323	13	2198	19
Twenty six,	- -	4541	13	2386	19
Twenty seven,	- -	4091	13	2745	19
Twenty eight,	- -	9059	13	874	19
Twenty nine,	- -	9212	13	1124	19
Thirty,	- -	8508	13	1162	19
Thirty one,	- -	1283	13	765	19

SCHEDULE F—Continued.

SECTIONS.					MASONRY.			
					Mason- ry <i>dry</i> in perch- es.	Price.	Masonry in perchs, <i>mortar</i> .	Price.
No.					Perches.	D. Cts.	Perches.	D. Cts.
One,	-	-	-	-	106.6	2 75	190	3 00
Two,	-	-	-	-	142.	2 50		
Three,	-	-	-	-	117.	2 50		
Four,	-	-	-	-	242.	2 57		
Five,	-	-	-	-	150.	2 50	150	2 87½
Six,	-	-	-	-	228.	2 62½		
Seven,	-	-	-	-	188.	2 95	290	3 25
Eight,	-	-	-	-	150.	2 99		
Nine,	-	-	-	-	150.	2 90		
Ten,	-	-	-	-	148.	2 25	1700	2 75
Eleven,	-	-	-	-	180.	2 77		
Twelve,	-	-	-	-	250.	2 77	150	3 09
Thirteen,	-	-	-	-	140.	2 77		
Fourteen,	-	-	-	-	127.	2 77		
Fifteen,	-	-	-	-	171.	2 80		
Sixteen,	-	-	-	-	186.	2 00		
Seventeen,	-	-	-	-				
Eighteen,	-	-	-	-	103.	1 90		
Nineteen,	-	-	-	-	120.	2 00		
					110.	2 00		
Twenty,	-	-	-	}	R. 78.	1 25		
Twenty one,	-	-	-	-	32.	2 00		
Twenty two,	-	-	-	-				
Twenty three,	-	-	-	-	150.	2 50		
Twenty four,	-	-	-	-	328.	2 00	352	2 87
Twenty five,	-	-	-	-	310.	1 88		
Twenty six,	-	-	-	-	213.	1 88		
					160.	1 88		
Twenty seven,	-	-	-	}	R. 28.	1 25		
Twenty eight,	-	-	-	-	120.	1 87		
					80.	1 89		
Twenty nine,	-	-	-	}	R. 33.	1 25		
Thirty,	-	-	-	-	33.	1 90		
Thirty one,	-	-	-	-	38.	1 90		

SCHEDULE F—Continued.

SECTIONS.	Bridges' span in feet.	Price lineal ft.	Stoning roadway in poles.	Price per pole.
No.	Feet.	Dols. Cts.	Poles.	D. Cts.
One, - - - -	35	7 00	320	10 37½
Two, - - - -	—	—	320	9 62½
Three, - - - -	—	—	160	10 37½
Four, - - - -	—	—	—	—
Five, - - - -	26	7 00	160	10 37½
Six, - - - -	—	—	—	—
Seven, - - - -	44	7 00	—	—
Eight, - - - -	—	—	—	—
Nine, - - - -	—	—	—	—
Ten, - - - -	130	25 00	160	10 37½
Eleven, - - - -	—	—	—	—
Twelve, - - - -	26	6 00	—	—
Thirteen, - - - -	—	—	—	—
Fourteen, - - - -	—	—	—	—
Fifteen, - - - -	—	—	—	—
Sixteen, - - - -	—	—	160	10 37½
Seventeen, - - - -	—	—	160	10 37½
Eighteen, - - - -	—	—	—	—
Nineteen, - - - -	—	—	—	—
Twenty, - - - -	—	—	—	—
Twenty one, - - - -	—	—	—	—
Twenty two, - - - -	—	—	—	—
Twenty three, - - - -	—	—	160	10 37½
Twenty four, - - - -	35	6 00	—	—
Twenty five, - - - -	—	—	—	—
Twenty six, - - - -	—	—	—	—
Twenty seven, - - - -	—	—	—	—
Twenty eight, - - - -	—	—	—	—
Twenty nine, - - - -	—	—	320	10 37½
Thirty, - - - -	—	—	320	10 37½
Thirty one, - - - -	—	—	81.82	10 37½

SCHEDULE F—Continued.

SECTIONS.				Cost of each section without stone.	Price per pole.	Total cost of each section.	Cost per pole of present contracts, excluding bridges & stone cover.
No.				Dolls. Cts.	D. Cts.	Dolls. Cts.	D. Cts.
One,	-	-	-	2,321 80	7 25	6,456 80	7 25
Two,	-	-	-	1,459 86	4 56	4,539 86	5 15
Three,	-	-	-	1,898 88	5 40	3,558 88	5 70
Four,	-	-	-	2,187 07	6 73	2,181 07	6 71
Five,	-	-	-	2,383 97	7 29	4,657 22	7 29
Six,	-	-	-	2,022 10	6 14	2,022 10	6 24
Seven,	-	-	-	1,828 25	5 57	3,633 35	7 37
Eight,	-	-	-	1,742 29	5 21	1,742 29	6 24
Nine,	-	-	-	1,417 01	4 43	1,417 01	6 00
Ten,	-	-	-	4,513 36	15 10	14,098 36	15 10
Eleven,	-	-	-	1,484 71	4 64	1,484 71	6 12½
Twelve,	-	-	-	2,222 12	5 72	2,841 62	6 12½
Thirteen,	-	-	-	1,882 24	5 88	1,882 24	6 12½
Fourteen,	-	-	-	1,866 99	5 83	1,866 99	6 12½
Fifteen,	-	-	-	1,972 32	6 16	1,972 32	6 16
Sixteen,	-	-	-	1,970 64	6 10	3,630 64	6 10
Seventeen,	-	-	-	1,261 49	3 84	2,921 49	5 00
Eighteen,	-	-	-	1,353 84	4 23	1,353 84	5 00
Nineteen,	-	-	-	1,333 96	4 17	1,333 96	5 00
Twenty,	-	-	-	1,424 62	4 45	1,424 62	5 00
Twenty one,	-	-	-	1,591 64	4 97	1,591 64	5 00
Twenty two,	-	-	-	1,499 30	4 59	1,499 30	5 00
Twenty three,	-	-	-	1,449 10	4 52	3,109 10	5 33
Twenty four,	-	-	-	2,366 84	7 53	3,587 08	8 00
Twenty five,	-	-	-	2,263 41	6 22	2,263 41	6 22
Twenty six,	-	-	-	1,852 15	5 78	1,852 15	6 44
Twenty seven,	-	-	-	1,744 18	5 68	1,744 18	5 68
Twenty eight,	-	-	-	2,039 68	6 37	2,039 63	6 37
Twenty nine,	-	-	-	2,059 57	6 43	5,379 57	6 43
Thirty,	-	-	-	1,789 63	5 59	5,109 63	5 72
Thirty one,	-	-	-	493 34	6 03	1,342 22	6 03

SCHEDULE F—Continued.

SECTIONS.	Cost of stoning each sec. per pole, as sold.	CONTRACTORS' NAMES.
No.	Dolls. Cts.	
One, - - - -	10 37½	Edmonson, Pike & M'Cague's con.
Two, - - - -	10 37½	Lewis Castleman's contract.
Three, - - - -	10 37½	Edmonson & Co's contract.
Four, - - - -	10 37½	Edmonson & Co's contract.
Five, - - - -	10 37½	Edmonson & Co's contract.
Six, - - - -	10 37½	Edmonson & Co's contract.
Seven, - - - -	10 37½	Moved do. on old road.
Eight, - - - -	10 37½	Moved do. on old road.
Nine, - - - -	10 37½	Moved do. on old road.
Ten, - - - -	10 37½	Moved do. on old road.
Eleven, - - - -	10 37½	P. Malone's contract.
Twelve, - - - -	10 37½	P. Malone's contract.
Thirteen, - - - -	10 37½	P. Malone's contract.
Fourteen, - - - -	10 37½	P. Malone's contract.
Fifteen, - - - -	10 37½	O'Brian & Williams' contract.
Sixteen, - - - -	10 37½	O'Brian & Williams' contract.
Seventeen, - - - -	10 37½	Edmonson & Co's contract.
Eighteen, - - - -	10 37½	Edmonson & Co's contract.
Nineteen, - - - -	10 37½	G. Jemison's contract.
Twenty, - - - -	10 37½	Edmonson & Co's contract.
Twenty one, - - - -	10 37½	Edmonson & Co's contract.
Twenty two, - - - -	10 37½	Edmonson & Co's contract.
Twenty three, - - - -	10 37½	Edmonson & Co's contract.
Twenty four, - - - -	10 37½	Moved do. in old road.
Twenty five, - - - -	10 37½	Edmonson & Co's contract.
Twenty six, - - - -	10 37½	do.
Twenty seven, - - - -	10 37½	do.
Twenty eight, - - - -	10 37½	do.
Twenty nine, - - - -	10 37½	do.
Thirty, - - - -	10 37½	do.
Thirty one, - - - -	10 37½	do.

Average prices, per pole, - - - -	\$ 6 00
Average prices, per mile, without stone, - - - -	1,920 00
Average prices, with stone, per mile, - - - -	5,240 00
Average prices, with bridges, per mile, - - - -	5,645 00
Cost of road, - - - -	\$94,537 28
Add ten per cent., - - - -	9,463 72

Total cost, - - - -	103,991 00
Length of line, 30.7 miles.	

REPORT on the Turnpike Road from Bell's Tavern to Bowlinggreen.

BOWLINGGREEN, WARREN COUNTY, KY., }
December 25th, 1838.

SIR :

In pursuance of your letter of instructions of the 7th instant, a reconnaissance, survey and estimate of this road have been made, commencing them on Friday the 15th instant, at William Bell's, in Barren county, attended by Messrs. Murrel, President, Slaughter Bell and Richard Patison, directors.

The section of country through which this line of road passes, is different from the general surface and soil of Kentucky, being denominated *barrens*. There are no natural guides as usual, to direct the route, to-wit: the valleys of water courses, and the ridges by which those water courses are separated. There is a ridge extending the whole length of the line lying parallel to, and varying from a fourth to a mile and a quarter from the old traveled road. Running water rarely occurs—the only considerable spring being on the plantation of John White, called the Dripping Springs, which sinks in the distance of 100 yards. This chain of highlands rises precipitously from the level barren lands; the sides and base are composed of large masses of calcarious limestone, capped with grey sandstone—all of which are in a cavernous and broken up condition. This high land or ridge increases in height as you go south-west, and varies from 100 feet to 240 or 50 feet. The sandstone is soft, disintegrates easily, and is totally unfit for building purposes. The limestone varies in quality: the two kinds most common, are the common and marble. They are a good material for all purposes of turnpike road making.

The stone on the barren lands which begins at the base of this range of high lands, is in large lumps; the composition seems to be silax and lime, the silax being the larger part. It is formed of *concologized* masses, and when acids are applied, does not effervesce. It is very tough and hard, does not yield easily to the hammer. Could it be broken easily, would make a fine cover for a road: it does not disintegrate, lies near the surface, and is frequently connected with the limestone—all bearing the appearance of having been burnt and conglomerated.

The beds of calcarious limestone are not confined to this range of high land, but are frequently found in the barren lands, exposed on the surface, and a short distance under it—varying from surface to 15 feet.

The soil is red, silicious, fertile, and kind to cultivate; the surface is slightly undulating, the valleys terminating in large sinks, which can be and are converted into fine ponds by any process of puddling—in the road by being rendered firm and hard by travel—in the farms and woodlands, by being used and trod by the stock. They drain in all instances where there is

limestone, by opening a drain to the limestone, which, under the earth, is cavernous, and permits the water to escape.

The soil may be said in all instances to rest on a limestone substrata as on the north of the Kentucky river, the limestone differing from it, in not being composed of shells, nor does it lay in such thin, shelly, horizontal strata. Where the limestone is not near the surface, the soil puddles easily, and the water remains on the surface. The roads cut very deep in rainy weather, and after the winter freezes. The frost penetrates deep, and the earth spews up, or is much opened or thrown up by its action; and to make a permanent road, will require to be well drained and protected from the water. The silicious part of this barren land would make a fine earth turn-pike road if properly prepared; but the red soil so frequently separates it as to make a stone roadway necessary throughout the line.

The timber is red oak, post oak and hickory, on the barren lands, generally too small for building purposes—it does not appear to be in a flourishing condition. On the high land, the timber is large and fine, though the soil is too poor for cultivation. The timber on the bottom lands of Big Barren river is such as generally grows on the river bottoms or low alluvial lands of Kentucky, and equally as good as any for all the purposes of the Engineer or architect.

The products of the country are corn, wheat, rye, oats, tobacco, potatoes, peas, beans, and all the variety common to this climate, and are raised in large quantities. *Tobacco* is the chief staple commodity of agriculture. The stock of the country are horses, cattle, mules, sheep and hogs, all of which form a commerce for the country, and with the produce are vended in the Southern States.

The citizens are of the first class; the farms are in a high state of cultivation, and the whole country presents a prospect highly creditable to the State, and undoubtedly no portion of her territory is more worthy of her patronage and support in the construction of an improvement of this class.

The rivers and water courses crossed by this line of road, are but one, the Big Barren, which is 226 feet wide at water surface, and has alternately a low alluvial bottom on one side, and high calcarious limestone cliffs on the other. The bank of the stream on the alluvial side, is generally 25 feet in height; on the cliff side, varies from 30 to 80 feet. The stone in these cliffs is also in a shattered condition at the surface, and rise nearly perpendicular. This stream frequently, in freshets, overflow the bottom lands from 10 to 15 feet.

The line of road is located on or near the old road; the choice of ground is very inconsiderable; the situation of the farms on the old road being such as to forbid their being cut by the line without doing great private damage, one series of farms being situated on the north west of the road between the old road and the high land, and the old road being generally so nearly direct as to lose but little distance. The length of the line from Bell's to Bowlinggreen is twenty three and ninety four hundredths miles, and was laid out with a theodolite and 50 feet chain. The line is divided into 24 sections of nearly one mile each, designated and marked on the ground. The stations vary in length from 25 to 250 feet, each having a stake with its proper number and reference marked on it.

The maximum ascent or descent is one in thirty, or an angle of nearly one

degree fifty five minutes of grade ; of this class there are but few, the greatest portion being less than one degree of ascent or descent.

The whole line to be cleared of all timber on a width of 60 feet, and 48 feet grubbed and cleared of all trees, roots and stumps. A culvert or drain is to be placed under the road at all points where the water would collect against the side of the road-bed, and to connect with the natural drains of the country.

The excavations are to slope at an angle of 33 degrees 42 minutes, or one foot and a half slope to each foot rise, and to present a smooth and even surface.

The embankments will form an angle of 33 deg. 42 m. with the horizon, or have a slope of $1\frac{1}{2}$ feet base to 1 foot rise; and to present on the sides a smooth and even surface.

There shall be no spoil banks, but all the earth taken from the excavations shall be placed in the embankments.

The road-bed shall be graded 40 feet wide in all instances, clear of the common road drains. The transverse section is to be leveled from a point 3 feet from the road drain on one side, for the distance of 20 feet ; the remaining portion of 18 feet in width, shall have an elliptical shape, the semi-conjugate axis of which shall be equal to the depth of the middle part of the roadway—the semi-transverse axis 18 feet, which is the width of the summer road.

The stone roadway may be formed either with a pavement on the Telford plan, 8 inches deep, covered with stone, broken into cubical pieces not exceeding 5 ounces in weight, and on an average 4 inches deep, and should be so laid on as to form an ellipse with a semi-conjugate diameter of 5 inches, and the transverse diameter 18 feet, which is the width of the pavement of the road; or entirely of broken stone on the McAdam's plan, one foot deep or thick, and 18 feet wide. They are to be put on in two layers, the first of 8 ounce stones, broken off the road-bed and carted on and spread evenly over its surface. This layer is to be rolled with a heavy iron roller until it becomes compact and firm. It is to be raked and kept even and level during the time the roller or travel is passing over it. The second or last layer is to be laid on so as to form an ellipse similar to that which covers the pavement. The whole is then to be rolled and raked similar to the first layer. The side ditches should be cut out so that the bottom angle in the highest part of the ditch, shall be at least 18 inches below the edge of the road-bed, and the bottom of the ditch should descend each way from such angle, toward a culvert or natural drain, so that the water will pass freely off from the road. The earth taken from the ditches, is to be placed on that part of the road-bed between the ditches and the part covered with broken stone, so as to raise it 6 or 7 inches next the mettal of the road. It should slope off towards the ditch.

A more specific specification and contract will be furnished, affording all the necessary information requisite to the construction of this road.

The site for a bridge has been selected over Big Barren river, opposite to the street in Bowlinggreen, upon which the Nashville road enters the town. The water surface of this stream measures 226 feet, is about 6 feet deep. The north-eastern bank is alluvial and 25 feet higher than the surface of the water. The bed and bank on that side is black loam, based on coarse hard gravel, will require an abutment with a grillage foundation, placed 8 feet

below the surface of the water. The south-west bank will afford a solid rock foundation for the abutment. The bridge will have a double roadway, each 13 feet wide in the clear, with a single span of 220 feet, to finish 234 feet in the roadways.

A plan of the abutments, bridge and specification for each, will be furnished, giving in detail the manner of construction.

An embankment is required on the north-east side of this stream, 1250 feet long, varying in height from 10 to 25 feet, and contains 43,133 yards of earth. It is worth 25 cents per cubic yard to build it, or \$10,783 25. It is estimated to be entirely above the overflow of Big Barren river, and to finish 30 feet wide on top—sides to slope $1\frac{1}{2}$ to 1, rise.

A better location, that is a location for this bridge, could be made with a shorter bank, at or near the old bridge, 400 or 500 feet lower down the river, but being opposed, as an officer of the State, to connect one of the great highways with an individual stock company until this bridge site is released to this company and the State, I shall decline connecting the survey with this location; the only difference in the cost of construction being in the difference of the length of the banks, which is about 300 feet or 5,667 yards, amounting to \$1,416 75. This is a considerable sum, yet if the State and company can build this road without incurring this expense, they can do so with it, and not be molested by another corporation severing their road. This bridge company have suffered their bridge to decay, fall down and lay in a state of ruin for some years past, affording no public good nor convenience. The pier now in the river greatly cumpers the navigation, and should be removed. There is nothing valuable at the site of the bridge except the rock in the pier and abutments, and in the pillars, and supports for the inclined plane, which leads from the level of the bridge to the low flat land on the north-east side of the river; and this stone is too small for any of the purposes of building, but could be used for McAdamizing, and is in value equal to that much quarried or broken stone.

This road is now the greatest highway connecting Louisville and the different points along its line with Nashville; is as much traveled, perhaps, as any in Kentucky; as estimated, its capacity to accommodate the commerce and facilities of trade, are exceeded by none in the west. It will not only combine the benefit of a fine McAdam cover, but will have along one entire side a fine summer road, 18 feet wide. This additional road adds at least 30 per cent. to the cost of the excavations and embankments; yet it is inconsiderable when compared with its advantages. The stone road, with this addition, is saved fully two thirds of the year from travel. The saving in repairs and the ease of the traveller when on the summer road, are more than ample remuneration for the additional cost.

If this road be well constructed, no doubt is entertained that, to the citizen stockholders, it will yield a handsome dividend on their capital stock. The stockholders, generally, live in the town of Bowlinggreen, or in the vicinity of the road. The facilities of travel and the increased value of their property, should their stock yield nothing, would more than compensate them for their capital.

The length of the line as before stated, is 23.94 miles, and will cost, including bridge, \$169,013 54, to-wit:

Grubbing and clearing,	1,760 poles, at \$1,	\$1,760 00
Common excavation,	185,991 yds. at 10 cts.,	18,599 10
Hard excavation,	30,360 yds. at 15 cts.,	4,554 90
Embankments,	96,990 yds. at 10 cts.,	9,699 00
Masonry,	1,320 perches at \$1 50,	1,980 00
Stone roadway,	7,660.8 lineal poles, 11½ & 12,	89,365 60
Embankments at bridge,	43,133 yds. at 25 cents,	10,783 25

Cost of road, without contingences,	\$136,741 85
Add 5 per cent. for contingences,	6,837 09

Cost of road, with contingences,	<u>143,578 94</u>
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Cost of bridge over Big Barren river, 220 feet chord—

Excavation abutment pits,	\$638 60
5,847 perches of masonry at \$3,	17,541 00
234 feet superstructure at \$30,	7,020 00
47 perches parapet walls at \$5,	235 00

Total cost of Bridge,	<u>25,434 60</u>
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Total cost of road and bridge,	<u><u>\$169,013 54</u></u>
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A schedule marked A, is herewith filed, giving in detail, the specific amount of each particular description of work, with the prices for each. It will also be perceived that this road costs a sum a little higher than the generality of turnpike roads, yet it is to be recollected that the width of the grade, width of *mettal*, and depth of *mettal*, are 25 per cent. larger than the most of the roads in Kentucky.

If the navigation of Big Barren river shall fulfil, (of which there is but little doubt,) the expectations of the citizens, such a road as this will be highly beneficial to her population, and to the agricultural and trading community through which the road passes.

The population of Bowlinggreen are as commercial as any in the inland towns of the State. The agriculturalist, (among the different classes,) find a ready sale for all his produce; and whilst this road will be beneficial to the citizens of the town, it is equally so to those in the adjacent country, affording an easy and cheap line of inland transportation for their produce, to a point or points on Big Barren, which it is anxiously expected will be in a situation to navigate, at all seasons, in one or two years.

The importance of this road is as well and better understood by the Board of Internal Improvement, as I could desire it—comment would be useless.

Respectfully submitted.

HENRY J. EASTIN,
Civil Engineer.

To SILVESTER WELCH, Esq.,
Chief Engineer of Kentucky,
And to the President of the Turnpike road from Bell's to Bawlinggreen.

SCHEDULE A.

Estimate of the Turnpike leading from Bell's tavern to Bowlinggreen.

SECTIONS.			Length section in poles.	Grubbing in poles.	Price per pole.	Masonry in perches.	Price.
No.			Poles.	Poles.	Dols.	Perches.	D. Cts.
One,	-	-	368.	143	1 00	30	1 50
Two,	-	-	322.3	73	1 00	90	1 50
Three,	-	-	315.	-	-	90	1 50
Four,	-	-	339.7	72	1 00	60	1 50
Five,	-	-	336.3	-	-	120	1 50
Six,	-	-	324.	-	-	60	1 50
Seven,	-	-	363.1	210	1 00		
Eight,	-	-	293.8	100	1 00	120	1 50
Nine,	-	-	337.5	113	1 00	120	1 50
Ten,	-	-	321.2	-	-	90	1 50
Eleven,	-	-	321.2	48	1 00	30	1 50
Twelve,	-	-	322.7	-	-	30	1 50
Thirteen,	-	-	297.8	106	1 00		
Fourteen,	-	-	298.4	36	1 00	60	1 50
Fifteen,	-	-	327.2	-	-	60	1 50
Sixteen,	-	-	339.7	51	1 00	30	1 50
Seventeen,	-	-	318.1	136	1 00	30	1 50
Eighteen,	-	-	333.3	12	1 00	90	1 50
Nineteen,	-	-	321.2	106	1 00	30	1 50
Twenty,	-	-	324.2	48	1 00	30	1 50
Twenty one,	-	-	351.5	66	1 00	60	1 50
Twenty two,	-	-	316.4	240	1 00	30	1 50
Twenty three,	-	-	199.7	200	1 00		
Twenty four,	-	-	270.3	-	-	60	1 50
Total cost,	-	-					
Add 5 per cent.	-	-					
Cost of bridge,	-	-					
Grand total cost,	-	-					

SCHEDULE A—Continued.

SECTIONS.			Excavation in yards.	Price.	Hard excavation.	Price.	Embankment.
No.			Yards.	Cents.	Yards.	Cents.	Yards.
One,	-	-	9878	10	1601	15	3564
Two,	-	-	7247	10	1518	15	4483
Three,	-	-	7337	10	972	15	4077
Four,	-	-	7441	10	1641	15	3991
Five,	-	-	5550	10	480	15	3105
Six,	-	-	6715	10	956	15	2785
Seven,	-	-	9510	10	-	-	2791
Eight,	-	-	9230	10	-	-	4222
Nine,	-	-	11590	10	9082	15	5919
Ten,	-	-	7928	10	738	15	2446
Eleven,	-	-	6664	10	953	15	5435
Twelve,	-	-	9508	10	745	15	2904
Thirteen,	-	-	6906	10	1110	15	4044
Fourteen,	-	-	7154	10	544	15	3907
Fifteen,	-	-	8538	10	-	-	3883
Sixteen,	-	-	9773	10	-	-	3932
Seventeen,	-	-	7229	10	1549	15	4117
Eighteen,	-	-	7003	10	1656	15	3849
Nineteen,	-	-	7879	10	722	15	3249
Twenty,	-	-	9484	10	-	-	5453
Twenty one,	-	-	10547	10	2670	15	6714
Twenty two,	-	-	8558	10	2929	15	7406
Twenty three,	-	-	3340	10	-	-	44557
Twenty four,	-	-	7335	10	-	-	3280
Total cost,	-	-					
Add 5 per cent.	-	-					
Cost of bridge,	-	-					
Grand total cost,	-	-					

SCHEDULE A—Continued.

SECTIONS.			Price.	Bridges, span of.	Price in lineal feet.	Masonry in abutments.	Price per perch.	Excavation abutment pits.	Price.	Stoning roadway, price per pole.
No.			Cts.	Feet.	Dol.	Per.	Dols.	Yds.	Cents.	D. Cts.
One, - - -	-	-	10	-	-	-	-	-	-	11 50
Two, - - -	-	-	10	-	-	-	-	-	-	11 50
Three, - - -	-	-	10	-	-	-	-	-	-	11 50
Four, - - -	-	-	10	-	-	-	-	-	-	11 50
Five, - - -	-	-	10	-	-	-	-	-	-	11 50
Six, - - -	-	-	10	-	-	-	-	-	-	11 50
Seven, - - -	-	-	10	-	-	-	-	-	-	11 50
Eight, - - -	-	-	10	-	-	-	-	-	-	11 50
Nine, - - -	-	-	10	-	-	-	-	-	-	11 50
Ten, - - -	-	-	10	-	-	-	-	-	-	11 50
Eleven, - - -	-	-	10	-	-	-	-	-	-	11 50
Twelve, - - -	-	-	10	-	-	-	-	-	-	12 00
Thirteen, - - -	-	-	10	-	-	-	-	-	-	12 00
Fourteen, - - -	-	-	10	-	-	-	-	-	-	12 00
Fifteen, - - -	-	-	10	-	-	-	-	-	-	12 00
Sixteen, - - -	-	-	10	-	-	-	-	-	-	11 50
Seventeen, - - -	-	-	10	-	-	-	-	-	-	12 00
Eighteen, - - -	-	-	10	-	-	-	-	-	-	12 00
Nineteen, - - -	-	-	10	-	-	-	-	-	-	12 00
Twenty, - - -	-	-	10	-	-	-	-	-	-	11 50
Twenty one, - - -	-	-	10	-	-	-	-	-	-	12 00
Twenty two, - - -	-	-	10	-	-	-	-	560	50	12 00
Twenty three, - - -	-	-	10	234	30	5847	3	1928	20	11 50
Twenty four, - - -	-	-	10	-	-	-	-	-	-	11 50
Total cost, - - -	-	-								
Add 5 per cent, - - -	-	-								
Cost of bridge, - - -	-	-								
Grand total cost, - - -	-	-								

SCHEDULE A—Continued.

SECTIONS.	Total cost of each section.	REMARKS.
No.	Dolls. Cts.	
One, - -	6,004 35	Ends in a field.
Two, - -	5,314 80	
Three, - -	5,044 70	Ends on hick'ry, bearing n. 20d w. 20.3 off.
Four, - -	5,457 85	
Five, - -	4,621 95	On black jack, 12 feet off left.
Six, - -	4,909 40	
Seven, - -	5,615 75	On postoak, 12 feet off.
Eight, - -	5,003 90	Opposite house.
Nine, - -	7,218 45	On postoak, Ref. 20 feet right.
Ten, - -	4,976 90	In lane, near Thos. Ray's.
Eleven, - -	5,139 65	In lane, near Patterson's tavern.
Twelve, - -	5,269 35	On postoak, 10 feet right.
Thirteen, - -	5,016 10	On oak, 16 feet to the right.
Fourteen, - -	4,894 50	Opposite Richard Patterson's.
Fifteen, - -	5,258 50	At right angles to stake, 33 feet off.
Sixteen, - -	5,373 05	On postoak, 2 feet left, at stake.
Seventeen, - -	5,261 65	600 feet S. W. widow Sullinger's.
Eighteen, - -	5,405 20	On stake, 2 ft. right, opposite Z. Taylor's.
Nineteen, - -	5,226 50	In Lane, 550 feet S. W. Purcell's.
Twenty, - -	5,315 00	On post, 21 ft. rt. opposite Quisenberry.
Twenty one, - -	6,500 60	On stake, 20 ft. rt. off J. M. Blakey's.
Twenty two, - -	5,997 55	On sycamore, 22 feet off right.
Twenty three, - -	13,656 20	At edge of water north, S. B. Barren.
Twenty four, - -	4,259 95	At N. E. side public square, in street.
Total cost, -	136,741 85	
Add 5 per cent,	6,837 09	
	143,578 94	
Cost of bridge, -	25,434 60	
Grand total cost,	169,013 54	

REPORT on Turnpike Road from Bowlinggreen to the Tennessee line.

ENGINEER'S OFFICE,
February 9, 1838. }

TO SYLVESTER WELCH, *Chief Engineer of Kentucky, and to the President and Directors of the Turnpike Road Company from Bowlinggreen through Franklin to the State line of Tennessee, in a direction to Nashville:*

GENTLEMEN—Pursuant to instructions from the Chief Engineer, a survey of this road was commenced in Bowlinggreen, on Thursday, the 28th of December, 1837, at the south east corner of the public square and passing through Franklin at the distance of 20.75 miles, pursues the best practicable line from thence to the Tennessee State line, at a point known as the "Black Jacks" on the old road 6.9 miles from Franklin, and 27.65 miles from Bowlinggreen.

A compass line having been run on the old road, between the points intended for the road, by Alonzo Livermore, Esq. and having ascertained that the old travelled road was but little crooked, the basis of the location was made on and adjacent to the old road.

The surface of the country is generally undulating, and not unfrequently much broken, with long deep sinks. There is little or no running water upon it. The soil is fertile, though its fertility is variant, in the same neighborhood are found first, second and third rate land. The country is cavernous, and the springs are under the earth, varying in depth from 10 to 80 feet, affording large quantities of water.

The drains communicate with sinks which are enclosed by horizontal strata of cavernous limestone, which admit the water to pass off freely, unless, during freshets, when there is a lack of vent and the water rises up through those sinks and floods large portions of country. These sinks puddle easy, and afford fine deep ponds.

The line of road is generally laid in the valley of Cave creek, which is seldom seen above the surface, and is from 10 to 80 feet under it. In freshets the cavern through which it passes being too small to vent the great quantity of water collected at those periods, the country adjacent is flooded; where the present road passes over it at N. Hampton's, a large bank will be required with a 30 feet span bridge to vent the water—though at common water it is not seen. At Henry Shanks', three miles from Bowlinggreen, this stream affords water sufficient to drive a woollen machine and grist mill, which are situated in a cave, called "Mill Cave," entirely under the surface, and so perfectly protected by the cave from the weather as to require no artificial roof.

The stones are lime and silex and approach to quartz; the limestone is in horizontal layers, and large uneven boulders; these boulders will generally

afford a superior metal for the stone roadway—they will be hard to break. The quarries are well distributed on the line, and convenient to it from Bowlinggreen to N. Hampton's a distance of 14 miles, when the quarries are less frequent, and are situated from 1,000 to 4,000 feet from the line. The silex is in lumps, weighing from 1 to 8 ounces; appears to have been burnt, is easily crushed, and will not make a durable cover for turnpike road.

The culverts will be small, the drainage being through sinks with which the drains connect—not very many will be required to drain the road.

The hills are not frequent, and do not often force the alignment to deviate from a direct line. The road has been laid around rather than over them, having preferred to increase the length of the road, rather than lay steep grades.

The excavations and embankments are light, and will not more than remove or cover up the loam or soil.

There is but a small portion of swamp or boggy land; that near to and south of N. Hampton's, is the worst, and can be easily drained by cross drains, and drains parallel to the axis of the road—and a small bank will render it a good smooth hard surface for a road.

The road bed is in all instances laid on the south side of the hills, so as to give free exposure to the wind and rain,

The grubbing and clearing are medium, the timber is oak and hickory, and rather larger than the timber in the barrens north of Green river.

The soil is close, hard and compact, having a red clay substrata, and will make a fine road bed.

The dimensions of the road are as follows: the road is to be cleared 60 feet in width, grubbed and graded 40 feet, with a ditch on each side to carry the water along parallel with the ramp of the road, until it meets a natural drain or culvert.

The maximum ascent or descent is 1 foot in 30, and there are but few points where this grade was required; five sixths of the road being at a grade of from zero to one degree, or one in 57.3 feet.

The metal of the road is estimated to be 1 foot deep and 18 feet wide. The transverse section will be laid on a horizontal road bed—the pavement will be laid 8 inches deep, of conical shaped stones set with their points up, or with flat stones set with their thickest and largest edges upon the road bed. When the pavement is made of flat stones, or any stones that present a flat surface at the top, such surface of each stone is to be broken with a hammer so as to reduce it to an edge or point; the interstices are then to be filled up with broken stone, carefully placed in by hand, so that all cavities shall be filled. The filling should be raised a little above the top of the paving stone, this being done the whole pavement is then to be rammed with a wooden ram until the filling shall be firmly fixed between the paving stones.

The pavement is then to be covered with a layer of broken stones, laid in the following manner: Hard compact limestone or other hard stones are to be broken into pieces as nearly cubical as possible, and not exceeding five ounces in weight. They are to be broken at points not on the road bed, and kept free from dirt; they are to be carted on the road, and spread over it, so that the small and large ones shall be intermixed in a manner to cause them to pack closely together—this layer of stone should be from six to seven inches in depth. In this road eight inches is adopted in the centre of the road; they will be so reduced towards the sides, as to give the sur-

face such a curve that the cross section will be an ellipse, with a semi-conjugate diameter of 5 inches, and a transverse diameter of 18 feet. After the stones are levelled, they should be rolled with a heavy iron roller until it becomes compact.

With this report is filed a printed paper, being general directions for the construction of turnpike roads, and which the President and Directors are required to pursue in construction; also, a blank contract, by which a sale is to be made, (drawn up by the Chief Engineer of Kentucky.)

This road will be a continuation of the road that leads from Louisville, through Elizabethtown, by Bell's tavern, to Bowlinggreen, on to the State line, and is one of the principal roads in Kentucky, over which all the travel from Louisville to Nashville passes; and will afford to all the southern citizens of this State, and the State of Tennessee adjacent, a safe transportation for the produce of the country, which is corn, oats, wheat, rye and the various vegetables common in the middle part of the State. The staple commodity of Warren and Simpson counties, is tobacco, and the largest portion of it is purchased in Bowlinggreen, and shipped out of Barren and Green rivers to the New Orleans Market. This road will connect itself with the slackwater navigation of Barren river at Bowlinggreen. The general travel South; the principal stock of the country driven to Alabama, Mississippi, Louisiana, Western Georgia and West Florida, are carried over this road. The corn crops are more abundant in this, than any southern portion of the State, and affords more conveniences for the stock than any road leading in a southern or southwestern direction.

From these facts, I am induced to believe, that the tolls will at least equal any road in the State, and the citizens are equally entitled to all the benefits derived from such improvements. The materials and labor can be furnished as low as on any work in the State.

Two lines were laid through the town of Franklin. I have selected the line passing most south, by Mrs. Moore's tavern. It will be easier made, and 25 feet shorter, and the grades lower than in the northern street.

Schedule A, gives in detail the cost of the work required to construct such a road, with the cost of each item of work.

A map of the road will be made as soon as the duties of the office will permit—one copy will be kept in the office, and one sent to the local board, with copies of the field notes.

Should the Board determine to construct the road, it is desirable that it be put under contract in the next month.

The total cost of this road will be \$141,691 20, or \$5,487 16 per mile, including contingencies. And will add that the landholders have generally released to the State right of way, land and materials, on and out of which to construct this road.

HENRY J. EASTIN, *Res. Eng.*

SCHEDULE A.

Estimate of the Turnpike Road leading from Bowlinggreen, via Franklin, Simpson county, to the Tennessee line.

SECTIONS.	Length of section.	Grubbing.	Price per pole.	Masonry in perches 25 cubic feet.	Price per perch.
No.	Poles.	Poles.	Dols. Cts.	Perches.	Dls. Cts.
One, - - -	320.	228.6	1 25	125	1 50
Two, - - -	324.2	324.2	1 25	-	1 50
Three, - - -	321.2	121.2	1 25	25	1 50
Four, - - -	324.6	362.6	1 25	-	1 50
Five, - - -	345.4	115.4	1 25	75	1 60
Six, - - -	348.	108.	1 25	50	1 50
Seven, - - -	333.3	166.6	1 25	25	1 50
Eight, - - -	321.2	321.2	1 25	25	1 50
Nine, - - -	342.4	133.	1 25	50	1 50
Ten, - - -	315.1	4.8	1 25	75	1 50
Eleven, - - -	327.2	6.5	1 25	-	1 50
Twelve, - - -	351.5	245.4	1 25	50	1 50
Thirteen, - - -	327.2	327.2	1 25	75	1 50
Fourteen, - - -	327.2	327.2	1 25	50	1 50
Fifteen, - - -	318.1	121.2	1 25	50	1 50
Sixteen, - - -	321.2	133.3	1 25	25	1 50
Seventeen, - - -	315.9	188.	1 25	-	1 50
Eighteen, - - -	322.6	-	1 25	25	1 50
Nineteen, - - -	323.8	178.4	1 25	85	1 50
Twenty, - - -	373.9	315.1	1 25	75	1 50
Twenty one, - - -	296.9	72.7	1 25	25	1 50
Twenty two, - - -	320.	235.1	1 25	85	1 50
Twenty three, - - -	334.7	185.2	1 25	75	1 50
Twenty four, - - -	336.6	280.	1 25	100	1 50
Twenty five, - - -	322.3	201.	1 25	50	1 50
Twenty six, - - -	320.9	121.2	1 25	25	1 50
Twenty seven, - - -	306.5	306.5	1 25	50	1 50
Totals, - - -	8,841.9	5,129.6	-	1,295	

SCHEDULE A—Continued.

SECTIONS.	Excavation in cubic yards.	Price per yard.	Extra excavation.	Price per yard.	Embankment in cubic yards.	Price per yard.
	Yards.	Cts.	Yards.	Cents.	Yards.	Cts.
One, - - -	6225	13	3440	15	6225	13
Two, - - -	4075	13	2425	15	4075	13
Three, - - -	2797	13	3453	15	2797	13
Four, - - -	4480	13	1611	15	4480	13
Five, - - -	4524	13	3806	15	4524	13
Six, - - -	6139	13	4362	15	6139	13
Seven, - - -	4307	13	4338	15	4307	13
Eight, - - -	3892	13	2853	15	3892	13
Nine, - - -	4034	13	3695	15	4034	13
Ten, - - -	3502	13	3522	15	3502	13
Eleven, - - -	3668	13	798	15	3668	13
Twelve, - - -	3230	13	5208	15	3230	13
Thirteen, - - -	5738	13	5157	15	5138	13
Fourteen, - - -	7103	13	561	15	7103	13
Fifteen, - - -	2486	13	3747	15	2486	13
Sixteen, - - -	4596	13	1595	15	4596	13
Seventeen, - - -	1778	13	6993	16	1778	13
Eighteen, - - -	3469	13	4875	15	3469	13
Nineteen, - - -	5755	13	6045	15	5755	13
Twenty, - - -	4041	13	2820	15	4041	13
Twenty one, - - -	4017	13	4290	15	4017	13
Twenty two, - - -	3147	13	6558	15	3147	13
Twenty three, - - -	5608	13	3494	15	5608	13
Twenty four, - - -	2977	13	3804	15	2977	13
Twenty five, - - -	4281	13	1499	15	4281	13
Twenty six, - - -	4317	13	1909	15	4317	13
Twenty seven, - - -	3615	13	3778	15	3615	13
Totals, - - -	113201	-	96636	-	113201	-

SCHEDULE A—Continued.

SECTIONS:					Bridges, span of	Price lineal foot.	Masonry in abutments.	Price.	Excavation, abutm't pits.
No.					Feet.	Dolls.	Per.	Dolls.	Cents.
One,	-	-	-	-					
Two,	-	-	-	-					
Three,	-	-	-	-					
Four,	-	-	-	-					
Five,	-	-	-	-					
Six,	-	-	-	-					
Seven,	-	-	-	-					
Eight,	-	-	-	-					
Nine,	-	-	-	-					
Ten,	-	-	-	-					
Eleven,	-	-	-	-					
Twelve,	-	-	-	-					
Thirteen,	-	-	-	-					
Fourteen,	-	-	-	-	30	4 00	85	2 00	100
Fifteen,	-	-	-	-					
Sixteen,	-	-	-	-					
Seventeen,	-	-	-	-					
Eighteen,	-	-	-	-					
Nineteen,	-	-	-	-					
Twenty,	-	-	-	-					
Twenty one,	-	-	-	-					
Twenty two,	-	-	-	-					
Twenty three,	-	-	-	-	30	4 00	85	2 00	100
Twenty four,	-	-	-	-					
Twenty five,	-	-	-	-					
Twenty six,	-	-	-	-					
Twenty seven,	-	-	-	-					
Totals,	-	-	-	-					

SCHEDULE A—Continued.

SECTIONS:					Price.	Stoning roadway.	Price per pole.	Rock excavation.	Price.
No.					Cts.	Perches.	Dolls.	Yds.	Cts.
One,	-	-	-	-	-	320.	10	1485	25
Two,	-	-	-	-	-	324.2	10		
Three,	-	-	-	-	-	321.2	10		
Four,	-	-	-	-	-	324.6	10		
Five,	-	-	-	-	-	345.4	10		
Six,	-	-	-	-	-	348.	10		
Seven,	-	-	-	-	-	333.3	10		
Eight,	-	-	-	-	-	321.2	10		
Nine,	-	-	-	-	-	342.4	10		
Ten,	-	-	-	-	-	315.1	10		
Eleven,	-	-	-	-	-	327.2	10		
Twelve,	-	-	-	-	-	351.5	10		
Thirteen,	-	-	-	-	-	327.2	10		
Fourteen,	-	-	-	-	20	327.2	10		
Fifteen,	-	-	-	-	-	318.1	10		
Sixteen,	-	-	-	-	-	321.2	10		
Seventeen,	-	-	-	-	-	315.9	10		
Eighteen,	-	-	-	-	-	322.6	10		
Nineteen,	-	-	-	-	-	323.8	10		
Twenty,	-	-	-	-	-	373.9	10		
Twenty one,	-	-	-	-	-	296.9	10		
Twenty two,	-	-	-	-	-	320.	10		
Twenty three,	-	-	-	-	20	336.7	10		
Twenty four,	-	-	-	-	-	334.6	10		
Twenty five,	-	-	-	-	-	322.3	10		
Twenty six,	-	-	-	-	-	320.9	10		
Twenty seven,	-	-	-	-	-	306.5	10		
Totals,	-	-	-	-	-	8841.9			

RECAPITULATION.

113,201 yards excavation at 13 cents,	-	-	-	-	\$14,716 13
113,201 yards embankment, at 13 cents,	-	-	-	-	14,716 13
96,636 yards surplus excavation, at 15 cents,	-	-	-	-	14,494 19
5,129.6 poles grubbing, at \$1 25,	-	-	-	-	6,412 30
1,295 perches of masonry, at \$1 50,	-	-	-	-	1,942 50
2 bridges, 30 feet span each, at \$4 00,	-	-	-	-	240 00
170 perches masonry in abutments, at \$2,	-	-	-	-	340 00
1,485 yards rock cutting, at 25 cents,	-	-	-	-	371 25
Excavation abutment pits,	-	-	-	-	40 00
Stoning roadway, 8,841.9 poles, at \$10,	-	-	-	-	88,419 00
					<hr/>
					\$141,691 20
Add 7 per cent for contingencies,	-	-	-	-	9,918 38
					<hr/>
Total estimate,	-	-	-	-	<u>\$151,609 58</u>

REPORT on the Bardstown and Glasgow Turnpike Road.

ENGINEER'S OFFICE, December 1, 1838.

SIR:

The following report is made in pursuance of your instructions, as to the work done on the Bardstown and Glasgow turnpike road.

The length of this road is 67 miles.

The maximum grade is one in 28.65 feet, or two degrees.

The width of ground occupied by the road, is sixty feet.

The width of the grade on level lands, and on hill sides sloping less than 20 deg. is forty feet clear of the side drains. On hill sides sloping above 20 deg., the grade is only thirty feet clear of the ditches, or drains.

The work is done in the following manner:

Grubbing and clearing, where the surface of the ground was less than three feet below the grade or plane of the surface of the road; all trees, stumps and roots, were grubbed out, and removed from the surface of the road bed, and all timber or other perishable matter removed before the embankments were put on. Where the natural surface was more than three feet below the surface of the road bed, the trees are cut off on a level with the surface of the ground, and removed from the road bed; where the natural surface of the ground is above the grade and grubbing, on the space to be occupied by the road bed, the grubbing was done generally before the grading was commenced, and likewise removed; all the trees not necessarily grubbed, and which stand within thirty feet of the centre line of the road,

are felled or cut down on most of the line, and the stumps are not left more than two feet high.

Culverts.—The pits of the culverts have been excavated, where the ground would admit of it deep enough to obtain a solid rock foundation for the wall, and wide enough to leave a space of one foot between the sides of the pit and the outside of each side wall. Where a rock foundation could not be obtained, the pits were generally excavated down, so that the bottom at the lower side of the road is not less than eight inches below the natural surface of the ground; where the descent in the pits have an inclination of more than one in thirty feet, a cross wall has been built under the bottom of the lower end, deep enough to prevent the water from undermining the lower end of the culvert, they generally extend two feet beyond the side walls.

The foundations of the culverts, where the bottom of the pits are common earth, gravel, &c., are made of a pavement formed with flat stones, eight inches deep, placed edgewise, in lines across the bottom of the pit. The part of the pavement that forms the bottom of the vaults have been made so as to form a concave surface, the curve of which is generally in its versed sine two tenths of the width of the chord of the culvert; under the walls, the pavements have a plane surface. At two points, a timber foundation was found necessary, the ground on which the culverts were to be built, being too soft and compressible, formed of timbers eight inches deep, and from eight to twelve inches wide, laid side by side, crosswise of the culvert; the timbers were hewn on the top and bottom, and the culvert walls began on these timbers. Sheet piling was not considered necessary, as the branches had but little descent. All the culverts are less than six feet span, and are built of rubble stone, laid without mortar; they are generally two feet in their spans; the side walls are two feet thick, and built up vertically on both sides, to the bottom of the upper course of stone, and then covered with thick, strong flagging, long enough to lap one foot on each side wall; in some cases, a thick course of masonry on each side wall, at the top, has been laid so as to project over the side walls from three to four inches, thereby reducing the span to 18 inches, and then the whole is covered with flags, as before. In culverts of from three to four feet span, the side walls have been built $2\frac{1}{2}$ feet thick, and two to three feet high, when the culvert flue is reduced, as in the two feet culverts, by letting thick courses of masonry project over alternately, until the span is reduced to a foot or 18 inches, then the whole is covered with flag stones, not less than six inches thick; they are generally from eight to nine inches. There are no culverts over four feet spans, and no arch culverts.

The culverts are built so long in the transverse direction of the road, as the net width of the graded surface of the road bed, and three times the depth of the fill over the culvert, or so as to entirely protect the embankments from abrasion, where the water leaves the mouth of the culvert.

After the culvert walls have been built, in most cases, the one foot ditch between the outside of the back of the culvert walls and the natural ground, have been filled with gravel, or stone chips. Each culvert has a wall at both ends, which is of the full height of the side walls, extending out two to three feet at right angles, to the back of the ends of each culvert wall; where this precaution has been taken, the culverts and banks are all well secured; in a few instances only, it has been neglected, and steps have been

taken to secure them, before the road is paid for. In a few places, the gravel and stone chips have been neglected, owing to the depth the culvert pit was sunk below the natural surface, and the scarcity of the material to fill up the space; yet they appear to stand well. The culverts are all built, except on about two miles of this line of road.

In a few points, well culverts, or a culvert with vertical shafts have been required; on the Beech Fork Hill, Landing Run Hill, and Muldrow's Hill, they are well constructed, and the tops are all covered with gravel, or broken stone, so as to prevent the water from undermining the culverts.

Excavations.—In excavating upon this line, it has generally been found that the banks will stand at a slope of one to one or forty five degrees; at a few points, in approaching Green river, sandy loam was passed. In this soil, slopes of one and one half to one have been used, or the banks are left to slope at angles of about $33\frac{1}{2}$ degrees. In rock excavations, the banks are left as nearly vertical as the workmen can leave them, and they are so cut, as to present a tolerably even surface.

The excavations are generally lighter than on turnpike roads in Kentucky. Some heavy, expensive work occurs on the following sections: The two first sections which pass the Beech Fork Hills; the 8th and 9th sections in passing the Landing Run Hills, in part; also, the 12th, in passing Price's creek and the Blue Knob. At this last point, an excavation is made thro' slate and iron ore, twenty one feet deep, on an average length of one hundred yards; also, on the 21st section, in passing Muldrow's Hill. This section is about one and one fourth miles long, and the natural surface of the hill side slopes on an average, at angles of from twenty to thirty degrees; three fourths of this distance, the road bed is cut out of the solid rock, the hill side being so steep as to prevent an embankment from standing; and frequently, on the hill side of the road, a perpendicular stone face is presented, varying in height, from twelve to twenty feet. The next heavy work occurs at the two sections which pass the Green river; they are similar to Muldrow's Hill, not cutting so much stone; thence to Beaver creek, two miles from Glasgow; the excavations are light, in passing over the dividing ridge between Beaver creek and Glasgow; some heavy work has been done.

Embankments.—The embankments made with common earth have generally assumed slopes of one and one half to one or $33\frac{1}{2}$ degrees; those made in the sandy soil, in passing Lynn Camp creek, are taking slopes of about two to one. The embankments are light, except at the approaches to the Beech Fork Bridge; the average depth on the north side, for 500 feet, is seven feet: on the south side of Green river, for 1,000 feet, it averages nine feet, and at the Rolling Fork, on the north side, for 1,000 feet, four feet deep. At the other small bridges, not more high than usual, the embankments at the Beech Fork, Rolling Fork for 200 feet on each side, and at all the smaller bridges are finished, except four. Price's creek and Knob creek, at three bridges, which pass the forks of the creek.

Since the first contracts were made, a large embankment has been advised on the north of Green river, by the Chief Engineer, to avoid a circuitous approach to the Green river bridge—reported to me, by the President, Col. B. Doom, to cost near the sum of \$4,000.

Road Bed.—The graded surface of the road bed is made horizontal in its transverse section; the ramp or inclination of the road has generally been made according to the field notes, none exceeding two degrees; the depth

of the ditches is fifteen inches below the surface of the roadway; they are from three feet to five feet wide at top, and one foot wide at bottom. The drains all lead either into a natural channel, sunk, or are passed under the road bed through a culvert, which leads to a natural outlet; no water being permitted to pass over the road, under any circumstances. There will be but few points that will require retaining walls to protect the embankments; in a few instances, rip rap walls have been used.

The company have not used a roller to compress the embankments as yet; they are now having some prepared, under my directions; one is finished, consisting of two wooden wheels of three feet diameter, ironed with bands three eighths of an inch thick, and twenty inches wide on the face; they are connected after the manner of an ox cart; a body is attached, which can be laden with stone, to give the roller the necessary weight, which is from two to three tons. In future, all the green or newly made banks are to be well rolled with this roller, and if the banks have settled below the proper grade after rolling, are to be raised by carting on a sufficiency of earth to bring the road to a proper grade. One of these rollers will be required to each 20 miles of road. In most cases, where the banks had been made in the winter of 1837 and 1838, the rolling would have been but little use, as the embankments would have been well settled.

Fifty five miles of this road are graded, and the grade ready to receive the stone; the whole work is progressing, and the grading is all expected to be closed by the first of June next.

Metal of the road.—This road is under contract for two descriptions of stoning. The wide grade is to be stoned only fifteen feet in width; the narrow grade, 18 feet in width. The first seven and one half inches is to be paved on one side of the road bed, beginning at a point $2\frac{1}{2}$ feet from the side drain, with hard, compact limestone, or other strong stone that is approved by the Engineer or superintendent; the pavement to be formed of conical shaped stones, set firmly and closely together at their base on the road bed; the joints to be well broken, and closely fitted together; the stones to be the full depth of the pavement, and the height not made up by splicing, or setting one stone on the top of another. The flat or large ends of the stones next the road bed are so broken, as not to exceed one foot on the base, in length, and six inches in thickness, with the conical end up; the upper end of no stone presents a surface of more than two inches in thickness, or eight inches in length, so as to leave the upper surface open; the interstices of this pavement are then well filled with broken stone and stone chips, placed in by hand, so that all the cavities are smoothly filled up, to the top of the points of the paving stones. This pavement is examined in all instances, before the second courses of stone is laid. The stones for the second course are broken into particles not exceeding, by contract, five ounces, (in some cases they are larger;) they are hard, strong stone, and kept free and clean from dirt. On this road, they are broken on top of the pavement, and are troublesome to spread and keep even; the banks are broken up with pecks, and the large and small stones are well intermixed; where this is not done, the road will not wear smoothly. I have taken means and given directions to avoid any difficulty on this variation of the contract, which requires the stone to be broken off the road bed; this broken stone averages five inches in depth, and is spread so as to leave the surface of the stone roadway an ellipse, the semi-conjugate diameter of which

will be $4\frac{1}{2}$ inches, and the transverse equal to the metaled part of the road. After the stones are leveled, the stone roadway is to be rolled with the same roller above described, (no rolling has yet been done,) to the extent that the Engineer or superintendent may direct.

Ditches, Drains and Culverts, with summer roads.—After the stone roadway is finished and rolled, as above directed, the ditches, culverts and drains are all to be cleared out, so as to give a free passage to the water; the earth removed from them, and the sloping of the banks will be placed on the summer road, so as to raise it up as high as the top of the pavement, and leave it in a regular elliptical form; the pavement and protection between the edge of the drain on one side, and the pavement on that side will occupy $17\frac{1}{2}$ feet on wide grades, and leave the summer road $22\frac{1}{2}$ feet wide.

Each contractor, by contract, is to leave at intervals of one hundred feet, a block, or piece of wood, sufficiently large to obstruct the passage of wagons—the points to be selected by the superintendent or Engineer; so that they can be moved, and force the travel to wear the road into a smooth, even surface. When this is done, the road is delivered to the company.

So soon as the travel is permitted to pass on the road, a man for each ten miles will be required, to keep the stone road raked smooth and even, and fill up any breaks in the summer road; to clear the drains of all obstruction, so as to leave the road bed free from the effects of water standing on it.

miles of this road are stoned, but only two miles are in a situation to be received.

Bridges.—The bridge over the Beech Fork has a span of 200 feet; will finish about 214 feet in the clear, from the end of one facade to the other; has a double roadway, each 13 feet in the clear. The abutments are placed on timber foundations; the pits were excavated to a hard black gravel, to a depth of about four feet below low water plane. The foundation is made in the following manner: Beech and white oak timbers were procured, in all 24 feet in length, and hewn flat on two sides, then well laid, so as to project out beyond the face of the abutment, four feet on the face and back, at right angles to the face of the abutment; this timber plat was laid so as to extend out four feet below and four feet above the upper end of the abutments. A second course of timber of the same size, was laid side by side, crosswise of these, and parallel to the face of the abutment; the face of the first timber in the second course, was so placed as to extend out six inches beyond the face of the abutment, and was procured fifty eight feet long, so as to extend out beyond the ends of the abutment, four feet at each end, or far enough to cover the timbers in the lower course; the other timbers were laid parallel, and in contact with this, and the ends extend out at least four feet beyond the ends of the abutment; each timber in the upper course is fastened to the timbers below them, by two inch locust pins, put in, in the proportion of one pin to every four timbers in the lower course, and are so arranged, that about an equal number of pins are driven into each of the lower timbers.

The foundations of the wings are made of one course of timber, each piece long enough to extend out beyond the face of the wing on each side, at least four feet; these timbers are hewn, and laid close together, and parallel to the radius of the curve of each wing wall; (the contract required this single course to be covered with three inch oak plank, laid transversely with the timbers, and secured with spikes or pins.) This was omitted before I had

charge of the work—the contractor believing the foundation did not need it. No piling has been necessary on this road.

These abutments are 43.3 feet high, measured from the plane of low water to the bottom of the chords of the bridge; 52.8 inches long, measured on the same plan; and thirty eight feet, measured on a line with the bottom of the chords; twelve feet thick, measured on a level with the bottom of the chord, and $15\frac{3}{4}$ feet, measured on the plane of low water.

The wing walls, measured on a level with the bottom of the chord, are 12 feet thick, where they join the abutments, and six feet thick on the same level, at the distance of 20 feet back from the abutment, and the same thickness thence to the end of the wall. The face of the abutments batters both above and below the water, one inch to every foot in height; the ends of the abutments and outer face of the wing walls, batters two inches to every foot in height; the back of the abutment and wing walls are vertical.

The walls are of coursed rubble masonry; the stretches have beds not less than 18 inches, and are at least two feet in length on the face. The headers are fully two feet wide on the face, and are not generally less than four feet long. The backing stones are of large sizes, and generally present two parallel faces for beds; they are large, and contain not less than five cubic feet. The headers are placed, in each course, in the face of the walls, at intervals of not more than eight feet, measuring from centre to centre; and a header is placed in the back of the wall, opposite the middle of the space between every two headers in the face; long stones have been placed across the interior of the wall, in such manner that they do interlock with the headers in the face and back, so as to bind the whole wall together.

The headers and binding stones are so placed, that those in any one course are over the middle part of the space between the headers or binding stones in the course below.

The stones which form the first and second courses next below the *skew backs* in the face of the abutments, have their beds and joints cut, and the upper beds are prepared (as shewn on the drawings of the bridge planes,) and fitted to receive the stones of the next course above. The skewbacks, or stone, which receive and support the ends of the bridge arches, are thirty inches thick, and are four feet wide or long on the inferior bed; they batter on the face, as do also the other stones which make up the course, one and one half inches to each foot rise; the bottom of these stone are set back from the plane of the face of the abutment, six inches, so that a recess, is formed in the face of the wall, 6 inches deep at the bottom, and $9\frac{1}{2}$ inches at the level of the bottom of the chord, and thirty one feet long; the back of each of the large stones which receive the ends of the arches and bottom of the quinn posts, has an even vertical bed prepared to receive the cast iron shoes, in which the arches and quinn posts are placed, at their ends. These stones, next back of the skewbacks, are thirty inches deep, and from two to three feet wide, and the beds of the joints are cut smooth and even; so that, when placed in the wall, they make close joints, and give support to the skewbacks, and prevents their yielding to the pressure of the arch; these stones are so connected with the masonry of the common wall, as not to reduce its strength.

Coping of the Wings.—The manner of finishing the wing walls and parapets, have not been fixed by the local board.

The wings and abutments above and below the water surface, are laid in common lime and sand mortar.

Timber Superstructure.—The cap pieces of the truss frame are procured of yellow poplar: they are ten by fifteen inches square; they are so long as to require six splices; the mortices which receive the tennons of the king and queen posts, are ten inches, and three inches wide, and equal in length to the head of the king or queen posts, which is $14\frac{1}{2}$ inches.

The chords are made of the best kind of white oak timber; they have been cut in lengths varying from thirty to fifty four feet; they have been cut and sawed open about four months, and are partly seasoned; they are 14 inches deep, and 7 inches wide; the notches on the inner side, to receive the queen and king posts, are one and one quarter inches deep, and as wide as the foot of the post ($14\frac{1}{2}$ inches.) The splices are made so that those in the line of timbers on the one side of the king and queen posts, are opposite to the middle of a timber in the line on the other side; the splices are made by cutting away the even face of the timbers, to be spliced one and one fourth inches on a distance of two and one half feet on each piece, and inserting a piece of well seasoned white oak timber, fourteen inches wide or deep, five feet long, and thick enough to fill the space between the splice timbers, cut away as here described, and the other line of chord timbers, which thickness is five and one half inches; the splice is then to be secured with eight screw bolts—four in the end of each timber.

King and Queen Posts.—The king and queen posts are cut and delivered, of yellow poplar, except the six at the ends of the bridge, which rest in the skewbacks; they are of white oak.

The king posts are $9\frac{1}{2}$ by 18 inches square, and long enough to allow for a tennon of 10 inches at the top, and to extend 15 inches below the bottom of the chord; (this length is 17 feet 6 inches.)

The queen posts are $9\frac{1}{2}$ by 14 inches square, and have the same length of tennon at the top, and extend below the chord the same distance at the bottom; the middle part of the posts below the joggle joints, are cut away to $9\frac{1}{2}$ inches square; the notches at the bottom of the king and queen posts, that receive the chord timbers, are one and a half inches deep, and are so cut as to interlock with, and make close joints with the notches in the chords, and so that the posts have the inclination from a perpendicular, at the ends of the bridge, of one and a half inches to each foot in height.

The tennons at the top of the posts are ten inches long, three inches thick, and equal in width to the width of the posts, which is 14 inches in the queen, and 18 inches in the king posts.

The queen posts, on one side at the top, and on the opposite side at the bottom, are cut away four inches, to form the joggle joints.

The braces in the truss frame are poplar, 8 by $9\frac{1}{2}$ inches square, and of the length represented in the drawings, (feet;) the joint between the braces and head and foot of the posts, are made by cutting a plane face upon the side of the post, and a corresponding plane face upon each end of the brace, and they are to be put together without mortice or tennon; each end of the brace is to be secured to its place by a spike, three quarters of an inch square, and fourteen inches long.

The arch timbers or segments are 13 inches deep, and 7 inches wide, of poplar; they are curved, the smallest arc to a radius of 318.2 feet, and the pieces are generally cut so long as to reach three queen posts, or about 22 feet; the splices are made by a half lap joint at the posts, placed so that the screw bolt passes through both pieces of timber; the splices are

so arranged, that two do not come upon the same king or queen post. The foot of the arch timbers, together with the foot of each queen post, which comes below the bottom of the chord, are to rest against a cast iron shoe, placed between the timber and the skewbacks. This shoe has flanges on the sides, bottom and top, to confine the arch timbers, and prevent them from splitting.

In raising the bridge, the chord timbers are raised or curved upwards about 5 inches, to allow for the compression of the joints in the braces, and in the shrinkage of the arch timbers and posts, by seasoning.

In putting up the truss frames, the chord timbers are laid first, and the king and queen posts fitted between them, so that the notches in the posts and chords form a locked joint, which is secured by one screw bolt, in the bottom of each post. The cap timbers are then put on, and fitted to the top of the posts with a notch in the bottom of the cap, to receive the head of the post, with a mortice to receive the tenons of the king and queen posts. The tenons are made to fit so closely in the mortices as to require the cap to be driven down with a ram; the braces of the truss frame are then put in, and fitted in the joggles, and secured at each end with a spike, three quarters of an inch square, and 14 inches long, driven through the end of the brace, into the head of the post; the straining pieces are made of white oak plank, 8 inches wide, and 2 inches thick, and long enough to fill the space between the posts. The straining pieces are to be spiked to the bottom of the cap.

The truss work being raised, the keys and wedges under the chords are loosened, so as to allow the truss frame to settle, and brings the strain on the braces; the arch timbers will then be put on, and secured to the truss frame by one screw bolt in each segment, to pass through each king and queen post, or brace, and through the opposite segment. The ends of the arch timbers will each rest against a cast iron shoe, 30 inches long from outside to outside, and 28 inches deep; this shoe has a flange on all sides to receive the ends of the segments and the queen posts; the ends of the segments are to be fitted in this flange.

The cross beams are 8 by 10 inches square; they are notched on to the cap pieces 4 inches, and secured by a spike $\frac{3}{4}$ of an inch square, and 14 inches long. The cross beam, where the top braces cross it, is cut away 4 inches; the braces are put together by cutting a notch 2 inches deep in each, so that, when put in place, their upper surfaces are on the same level, and on a level with the top of the cross beam; the ends of the braces are secured in the sides of the alternate cross beams, by making a mortice in the side of the beam, two inches below the top, to receive the beveled end of the brace, the point of which is cut off, so as to present a face parallel to the side of the wedge; this mortice is 3 inches wide. A mortice 3 inches square is made through the cross beam, at the end of the brace, to receive the wedges, two of which are to be driven into it, one from each side; the braces are made long enough to project a little beyond the mortice, so that when the wedges are driven, they press against the ends of the brace; the braces are 5 inches wide, and 4 inches deep.

The bearing beams are suspended from the cap by iron rods, so as to leave a space of 1 inch between the bottom of the beam and the top of the chord. The rod is 1 inch square, and passes through the centre of the cap and brace, and the middle of the bearing beams, two rods to each beam, one in each

end. A washer, 4 inches square, of cast iron, is put on each end of the suspension rod, to prevent the keys from sinking into the timbers; a mortice through each end of the rod, through which the key passes, is an inch and one half long, and three sixteenths of an inch wide; is one inch and one half from each end of the rod; the key is made three sixteenths of an inch thick, and one inch wide at one end, and one and a half inches at the other, and 5 inches long.

The bearing beams are put in on the side of the queen post, opposite the lower joggle joint; each beam will be fastened to the queen posts, by three screw bolts. The lower braces will be put in and secured to the bearing beams, in the same manner that the upper braces are secured in the cross beams; where the braces cross each other, they will be secured to the middle of the bearing beam, by a spike one half inch square and 10 inches long.

The Floor Joists are 4 inches wide, and 8 inches deep; there will be five lines under each roadway.

The floor plank, of oak or beech, are 13 feet long, and 3 inches thick; they will be partially seasoned, and laid with close joints. A line of plank, 3 inches thick and 8 inches wide, will be placed along over the ends of the floor plank, and be fastened down with one and one fourth inch locust pins, driven through the floor planks into the joists, put in, in the proportion of two in each end of each floor plank.

Anchor Irons.—An anchor iron, 1 inch thick, and 3 inches wide, and 4 ft. long, about four inches of one end of which will be bent, so as to be at right angles with the main bar, is placed in each end of the abutments, between two of the courses of masonry, about 9 feet below the top of the abutment; the bar is placed so that the bent end will turn upwards; this end stands out from the face of the wall $3\frac{1}{2}$ inches; it has a hole $1\frac{1}{2}$ inches square, in the middle of the bar, and two inches below the end to receive the end of the stay rod; the lower end of the stay rod is bent, so as to pass through, and be secured with a key in the ends of the anchor irons.

The stay rods, which will be placed, one at each corner of the bridge, is an inch and a quarter square, and long enough to extend from the anchor irons up to the top of the wall (9 feet), where they are bent, thence up through the oak queen post and the cross beam; the end of the rod is made to extend above the beam, 6 inches; a hole is made through the end of the rod, 2 inches wide, and $\frac{1}{4}$ of an inch thick; the keys are large enough to fill the holes; a washer is placed on the end of the rod, 4 inches square, and the keys are driven, one from each side, so that a strain is brought on the rod, in such a manner that it will act as a tie to sustain the frame of the bridge, and prevent it from leaning sidewise.

The rods which pass through the king and queen posts and the cross beam, are $5\frac{1}{2}$ feet long; they have a key hole at each end, $1\frac{1}{2}$ inches long, and 3 sixteenths of an inch wide; the keys are 5 inches long, half an inch wide at one end, and $1\frac{1}{2}$ inches at the other; the rods will or do pass obliquely thro' the queen and king posts and cross beam; they will be put in, so that the ends will reach the top of the cross beam, and the outer face of the queen post; a notch will be cut into the side of the timber, large enough to receive the washer; keys are to be driven into the holes, in each end of the rod, so that, by their wedge shape, they will bring a strain or tension upon it, sufficient to keep the bridge stiff, and prevent it from leaning sidewise; the rods at both ends of each beam, will be keyed up at the same time.

A centre plate is to be secured in its place by a spike at each cross beam, three quarters of an inch square, and 19 inches long, to be driven through the plate and the cross beam, into the cap below; the head of each spike will be sunk below the surface of the plate, from 3 to 4 inches. In this plate, posts are framed, at intervals of about 10 feet, to support the centre rafter plate, or ridge pole.

The rafters are 4 inches square, and are placed 3 feet apart, from centre to centre; the sheathing will be $\frac{3}{4}$ of an inch thick; the shingles are procured of poplar, 18 inches long; they will be put on to show in courses 5 inches.

The studs to support the weatherboarding, will be 3 by 4 inches square, and will be placed 3 feet apart; they will be secured by spikes, to the truss frame of the bridge; the weatherboarding will be $\frac{5}{8}$ of an inch square, after it is framed. The ends of the bridge will be finished with a plane facade, constructed with a pediment, supported by pilasters.

The whole outside of the bridge will be painted with three coats of paint, made of white lead and linseed oil. The roof will be covered with a thin whitewash of lime, put on at three or four different times.

Rolling Fork of Salt river Bridge.—This bridge is 176 feet span, and is built, in all respects, as the bridge over the beech fork, except the framing of the chords, and queen and king posts; the chords and posts are so cut, as to leave a space of only 1 inch between them, instead of 5, as in the above bridge. The abutments are 31.4 feet high, and the bridge is placed six feet above high water mark, and built as the abutments at the Beech Fork bridge, on rock foundations.

Green river Bridge.—This bridge is 200 feet in its span, and is built or contracted to be built as the Beech Fork bridge, in all respects. There is but one abutment required; that is built or building on a grillage foundation, placed in as those at the Beech Fork; it will be 52 feet high. There is a natural limestone cliff on the north side, which affords a fine site for a bridge, and forms one abutment of the bridge. These three bridges, with the abutments, are building, by Morehead, Carothers & Co. The truss frame and abutments at the Rolling Fork, are up, and out of the reach of high water. At the Beech Fork, the abutments, with the exception of a small portion of each wing wall, are finished, and the contractors are now engaged in raising the truss frame of the bridge. It is expected that it will be secured by the 10th of the present month. At Green river, the abutment is about 40 feet high, and the contractors busily engaged in the progress of the work. The chords, king and queen posts, caps, and portions of the other timber of the bridge, are being procured. These contractors are in all respects faithful, and in most cases fully executing their work up to the specifications prepared under the immediate directions of the Chief Engineer of Kentucky. The bridges are of the first class, equal, if not superior, to any in the western or middle States; they expect to complete them by the first of June next.

The bridge of 60 feet span, over Beaver creek, is built on a plan, with a single roadway, in all respects similar to the Beech Fork bridge; the abutments are also of like stone masonry, and thirteen feet high. Messrs. Boone & Hall are the contractors; they have their timber on the ground, and well seasoned; the whole is in a full state of progress.

There are eleven other open bridges over the following water courses, and of the following spans: One over Landing Run, 40 feet span; a branch of

Price's creek, 16 feet span ; Price's creek, 30 feet span ; south fork of Price's creek, 30 feet span ; three of 20 feet span, over the forks of Knob creek ; a 30 foot span over the north fork of Nolin ; a 30 foot span over the south fork of Nolin, and a 12 foot span over the south branch of the south fork of Nolin. These bridges are all open ; all supported on well built stone abutments, raised so as to be clear of high water ; they have 7 string or chord pieces ; those of 12, 20, and 30 feet spans, are hewn 8 by 12 inches square at the ends, and 8 by 16 inches in the middle of each string ; and are thence to the ends, reduced in a regular semi-elliptical form ; the floors are laid with 6 inch oak timber, and secured to the string pieces by $1\frac{1}{4}$ inch locust pins, one in each end of each floor plank. The sides are protected by a plain, neat side railing, about $3\frac{1}{2}$ feet in height, each ; parapet walls are built, or building, at each side or end of the bridges, to the height of 3 feet 4 inches, and 2 feet thick.

The 40 feet open bridges have 7 chords or string pieces, and are 8 by 12 inches at the ends, and 8 by 18 inches in the centre ; of a regular semi-elliptical shape ; the floor and sides finished as the 50 feet span. These bridges are all included in the price per lineal pole for constructing the road bed.—Schedule A, will shew the cost of each particular portion of the work, with the amounts paid for each, as reported to me by the superintending Engineer, George W. Shields, Esq. The manner in which this whole work is executed, is highly creditable to him, as a young Engineer—he having had the direction of it.

The State and company are under many obligations to the president and managers, for their fidelity, and particularly to the President, B. Boone, Esq., who has regularly visited the line from once to twice per month, since the commencement of the work.

The contractors are generally faithful and industrious, and are engaged in the execution of their several contracts.

I confidently assure you, and the board, that if the necessary State aid is furnished, by mid-summer next, the whole line will be completed, so far as now under contract, from Bardstown to Glasgow, and ready for fully being opened to the public travel ; all the toll gates may be erected by Oct. next.

The estimated cost of this road, as now under contract, is \$321,000, including bridges. The work not under contract, is for stoning 31 miles of road, estimated to cost \$125,000. This sum, added as above, to the work under contract, the aggregate cost of the whole work, without contingencies, - - - - - \$446,000 00
Add 5 per cent. for contingencies, - - - - - 22,300 00

Grand total cost, - - - - - \$468,300 00

HENRY J. EASTIN,
Resident Engineer.

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

REPORT on the Louisville Turnpike Road.

ENGINEER'S OFFICE,
December 1st, 1838. }

Sir:

This report gives in detail the condition, length, dimensions and cost of the Louisville Turnpike Road.

This road is from the south west boundary of Louisville to the Tennessee State line, 145.63 miles, and is estimated to cost the aggregate sum of \$981,282 38.

This work is divided into four division as follows: From Louisville to Elizabethtown is 44.5 miles, estimated to cost the following sums:

Finished in Jefferson 5 miles,	-	-	\$30,141	65
Finished in Hardin 7 miles,	-	-	32,500	00
Under contract in Jefferson,	-	-	50,798	58
Under contract in Hardin,	-	-	104,475	00
Not under contract in Jefferson,	-	-	114,880	50
Not under contract in Hardin,	-	-	3,160	50
				\$335,956 23

The second division is 49.54 miles long, extends from No. 1 to Bell's—and costs as follows:

Under contract,	-	-	-	-	124,977	44
Not under contract,	-	-	-	-	206,388	79
						331,366 23

The third division extends from Bell's to Bowlinggreen, a distance of 23.94 miles:

Under contract,	-	-	-	-	121,079	82
Not under contract,	-	-	-	-	45,485	58
						166,565 40

The fourth division from Bowlinggreen to the State line is 27.65 miles, costs as follows:

Work under contract,	-	-	-	-	124,975	97
Work not under contract,	-	-	-	-	22,418	55
						147,394 52

Grand total cost—includes 5 per cent for contingencies, \$981,282 38

That portion of the work in division No. 1, has been completed some two years, was badly graded, and stoned with a stone not well suited to turnpike roads—in part, the stone are good. The road bed is badly drained, and the stone road needs many repairs. There is a toll gate taking toll on the first five miles.

That part under contract, except four miles and a fraction, next the mouth of Salt river, is only to be grubbed, cleared and graded. On this portion of the line the road is sixty feet wide; the graded surface fifty feet wide, clear of the side drains. The four miles next the mouth of Salt river have been under contract for two or three years, and the contractor, Joseph Reed, seems to progress slowly—the residue, being nine miles, is progressing speedily, except one section; the grubbing, grading and masonry, are commenced. That portion not under contract in No. 1, consists of stoning nine miles, at the average cost of \$5,000 per mile. The stone will be hard to procure, not unfrequently to haul from one to two and one half miles; also a fractional distance laying between Reed's contract and the mouth of Salt river, and includes the estimated cost of a bridge over Salt river near its mouth.

That portion of the finished work in Hardin county, is first three miles to West Point. This work was built by William Carrico, and as the work next Louisville was badly drained and graded, much expense and labor has been expended in draning this road this fall. The road bed is fifty feet wide—the stone way is sixteen feet—the first six inches are a pavement, the residue, being three inches, are broken stone, weighing about seven or eight ounces; they will consolidate slowly. This road is not first rate but much improved.

The next two miles reach the summit of Muldrow's Hill, this road is graded thirty feet wide so far as finished—it is the original contract of Hamilton and Gibson, which was abandoned by them. The work is now progressing well, having been divided into several small contracts. The stone road way up the hill is to be twenty feet wide, and one foot deep: the first eight inches of conical shaped limestone, and the last four of broken hard stone or limestone, laid on so as to be six inches deep in the centre.

The next 13 miles and 308 poles reach to the five miles put under contract some three or four years since, next Elizabethtown. This work has all been commenced except three miles; it is all in the progress of preparation—much of it has been graded, and the line is generally cleared and grubbed. The contractors are delivering some stone. The culverts are well built. The road is cleared 60 feet in width, and to be graded 40 feet clear of the side drains, and will have a stone road way 18 feet wide, and one foot deep, laid as that up Muldrow's Hill.

The five miles next Elizabeth are all completed except a small part of the fifth mile, which is graded—the width of grade and metal as that in Jefferson and the mouth of Salt river. It needs some culverts and drains to make it a first rate road.

That portion not under contract in Hardin is forty three hundredths of a mile from the Union Hall in West Point to the end of Carrico's contract. I estimate it to cost \$3,160 50. It will be difficult to stone, and the contractor must suffer great inconvenience from the travel.

Division No. 2.—This work is under contract to a point about ninety poles north of Munfordsville court house. The distance is thirty and sixty three hundredths miles; of this distance eleven and one half miles are to be stoned, and nineteen and thirteen hundredths only graded. The road is sixty feet wide—to be graded forty feet clear of the field and side drains;

the stone road way is to be eighteen feet wide and one deep, as on the part from Elizabeth to Salt river, last put under contract.

The unfinished portions of the grade are in progress; five miles are reported to be graded and ready for the stone, and the stone nearly prepared for that distance—much of this road may be completed the ensuing year. The contractors are progressing with this work, as the President, Mr. James Murray, informs me, as fast as the means of the company will permit.

That portion not under contract, consists of stoning the residue of the distance from Elizabethtown to Munfordsville, and in the whole of the road from that place to Bell's, including the bridge over Green river. The whole, by the surveys and location, estimated to cost, with contingencies, \$206,-388 79.

Third Division.—This line extends from Bell's to Bowlinggreen, a distance of 23.94 miles, of this distance 22.44 miles are under contract—the work has all been commenced and in a full state of progress. The line is chiefly all grubbed and cleared, and the grading and culverts on portions of the line done. The contractors are preparing stone. The road is sixty feet wide, and forty feet are graded clear of the side drains—a field drain will be used when necessary.

That portion not under contract consists of a bridge over Barren river of 200 feet chord, and one and a half miles of road which lays in Bowlinggreen and adjacent to the bridge site, estimated to cost \$43,319 60. The bridge and abutments are estimated to cost \$25,434 60 of this sum.

The fourth Division.—This extends from Bowlinggreen to the Tennessee State line, 27.65 miles; is all under contract, except the stoning of six miles and twenty one poles south of Franklin, estimated to cost \$22,418 55.—The work is all, except three miles, progressing, being generally grubbed and cleared—the grading is commenced on many of the sections; also the building of the culverts—and the whole will be in active progress by the first of January next.

The contractors on this part of the work are generally stockholders, and I am informed by the Presidents of both this and the third division, that in the next season they, with the aid of the State, expect to nearly complete those divisions. The maximum grade on divisions No. 1 and 2 is two degrees—on 3 and 4, one in thirty, or 1° 55'.

The work now doing on the whole line is of good quality. Each division has a superintending Engineer: Thos. N. Eastin has No. 1, R. C. Hewit, Esq. No. 2, Loyd J. Berry No. 3, and Robert Aikin No. 4. Thos. Eastin has been engaged for the last four years in road making. Messrs. Berry and Aikin are young gentlemen commencing their profession, and with the necessary aid and instructions will have a good road constructed.

For the divisions Nos. 1, 3, and 4, a roller is ordered to roll the road bed previous to laying the metal, and roll the metal after it is laid.

All of which is respectfully submitted.

HENRY J. EASTIN, *Res. Eng.*

To SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

REPORT on settling the point at which the Scottsville Road should cross Tennessee line.

ENGINEER'S OFFICE. }
May 4th 1838. }

SIR:

On the 18th April, 1838, I met the Directors and Engineer of the Gallatin and Nashville Turnpike Road, from the State of Tennessee in conjunction with the President and Directors of the Glasgow and Scottsville Turnpike Road, and after canvassing the different points proposed to join the two roads at the State line. It was agreed that the point fixed by my survey and report of the 9th February, 1838, at a bench mark on an oak at the surface of the grade of the road bed, and in the State line.

The Directors of the Gallatin Turnpike Road have put their road under contract to this point, to be completed for the travel by the 1st of January, 1840, or by the 1st of September, 1841, to have the whole distance stoned, and continuous turnpike road to Nashville. This distance from the State line to Nashville is reported to me by the Engineer of the Gallatin turnpike as forty eight miles, or from Louisville, by way of Bardstown, Glasgow and Scottsville, 190 miles. This distance is from the intersection of Jefferson and Preston streets, in Louisville.

HENRY J. EASTIN, *Res. Eng.*

SYLVESTER WELCH, *EEQ.*,
Chief Engineer of Kentucky.

REPORT on Muldrow's Hill.

ENGINEER'S OFFICE, }
December 1, 1838. }

SIR:

This report will exhibit the state of the Turnpike Road over Muldrow's Hill.

This work is in three divisions. The first lays between the two hills and is 180 poles in length, it is nearly finished; some work on a small bridge, and the drains, with a portion of small stone, are required—it has been in use for a year—it stands well. At \$18 per pole, costs \$3,240.

The second division is for the putting on the stone on that portion of the road graded by Smith, 242 poles, at \$14 per pole, \$3,388. This work has been completed, except the clearing of the road drains.

The last division extends from the end of this work to the south bank of the Rolling Fork, 328 poles at \$18 50, is \$6,068.

This work is completed with the exception of laying the stone on 42 poles of road, which is expected to be completed by 25th December, instant, this whole work is well executed with a few exceptions, which will be remedied before the work is received. The total cost of this work as contracted to be made, by Henry Saunders and D. Singleton, is, - \$12,844 00
Amount paid them, up to 10th October last, - - 6,717 25

Balance due the contractors, 10th October last, - \$6,126 75
The length of this contract is 750 poles. The portions made by Douglas, & Co. 8,725 poles, in all 1478 poles, or 4.61 miles, and will cost the sum of \$32,-493 88.

Under the act of the last Legislature authorizing a bridge to be built over the Rolling Fork—under your directions I attended to a sale of said bridge on the 20th August. The height of the abutments from the plane of low water will be 28 feet. The masonry to be of the best rubble, laid in lime and sand mortar. The span of this bridge is 150 feet, and is to be constructed in all respects as the bridge over the Beech Fork of Salt river, on the Bards-town and Glasgow turnpike road, to which reference is made for the details. The prices to be paid for the work is as follows: For excavation of earth above water, 15 cents per yard. For excavation of earth below water, 40 cents per yard. For excavation of stone or rock, 75 cents per yard. For embankment per cubic yard, 25 cents. For rubble stone masonry per perch of twenty five cubic feet, \$3 20. For timber superstructure, with a double road way, per lineal foot \$30, to be measured from the outside of the facades, or the entire finish of the bridge.

I have made no alteration in the last estimate of this work, which is \$11,-679 50. The work was sold at prices a shade above the estimates, the net amount cannot be ascertained until the work is finished.

A specification and contract are filed in the office for your inspection, as executed under an order of the Board of Internal Improvement on the 12th October, 1838, by the contractors, Messrs. Mooreheads. They are experienced contractors—they have commenced their work, and expect to complete it within the coming year.

I have not made a settlement with the gate keeper for the current year, at this work. Since my last report I have collected and paid to the Treasurer of the Sinking Fund \$350. There is yet a balance due from John G. Chiles, Esq., as the gate keeper informs me—he is to pay his tolls quarterly; so soon as the proper settlement can be made, it will be reported.

Respectfully,

H. J. EASTIN, *Res. Eng.*

¶ I must again call your attention to the fact that the old road over this hill is still open, and the whole or nearly all the horse travel avoids this toll gate; a law should be passed compelling the old road to be closed.

HENRY J. EASTIN, *Res Eng.*

SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

REPORT on the Franklin county portion of the Crab Orchard Road.

ENGINEER'S OFFICE, }
March, 1838. }

SIR:

Under an order of the Board of Internal Improvement an examination has been made, and re-survey of the same made on that part of the turnpike road from Franklin county to the Crab Orchard, which lays in Franklin county. The distance constructed by this Board on the late measurement is — poles; thirty poles of this road also lays in Franklin county, which was constructed by the Anderson county Board of Internal Improvement.

The President of the road, Mr. John Shields, and Captain Hackley attended, and pointed out the sections of road built by the several contractors. They were found to be of the following lengths, to-wit:

	As measured.	As given by Mr. Saunders.
Clark and Gibbs, - - -	219.27 poles,	227 poles.
J. D. Shields, - - -	221.45 do.	208½ do.
R. French, - - -	222.84 do.	221 do.
John Sheets, - - -	127.57 do.	151 do.
J. W. Bennett, - - -	41.50 do.	43 do.
B. Bennett, - - -	153.70 do.	166 do.
J. W. & B. Bennett, -	207.45 do.	203 do.
Total, - - -	1193.78 poles,	1219.25 do.

Difference measured in centre of the road 25.47 poles.

I have examined the contracts—some of them have been finished as required by the superintendent, others have not been completed.

First. The contract of Clarke and Gibbs requires, on the west side of Collet's Fork of Benson to the Louisville turnpike road, a distance of sixteen poles, to be graded, and the stone to be quarried, hauled and broken, at \$14 per pole, amounts to \$224, at the contract price.

The contract of B. Bennett, 153.7 poles, is also incomplete. It is about two thirds graded and grubbed—some of the culverts are not completed, and what culverts have been built are in bad order.

The contract of Richard Pemberton for the construction of the bridges over Collet's fork of Benson and Benson creek, are both incomplete in superstructure and masonry. The superintendent reports that it will take \$677 87 to complete the bridges. The contractors are progressing on part of their contracts.

I consider no part of the road complete; the culverts want repairing; the drains and side ditches have not been cleared out, owing to this cause, the water puddles by the side of the road bed. There is a balance due the con-

tractors on each section, more than a sufficiency to put the road in good order.

I have also examined the list of stockholders, and find that individuals have taken and paid, as informed by the President of the company, \$650 00. Contractors stock considered paid, - - - 5,450 00

Total stock subscribed, - - - - - \$6,100 00

I am fully persuaded that no definite amount of stock has been subscribed by the contractors; but their understanding is, that on the completion of their contracts, they are to take one fourth of their contract price in stock. There seems to be an understanding that the contractors' stock can be increased at pleasure. See paper marked B, which was handed to me by the President and Secretary of the Board.

By the statement above referred to, it appears that the total cost of the road without contingencies is \$20,838 78—contingencies \$1,669, in all \$22,507 78. That the company have paid to the contractors \$10,948 12, cash. In stock and cash \$16,398 12; and that they owe the contractors when the road shall be completed \$4,443 15, which is due the following contractors, to-wit:

To Clark & Gibbs,	-	-	-	\$616 50
“ J. D. Shields,	-	-	-	451 00
“ R. P. French,	-	-	-	397 42
“ John Sheets,	-	-	-	119 64
“ J. W. Bennett,	-	-	-	331 50
“ B. Bennett,	-	-	-	1765 87
“ J. W. & B. Bennett,	-	-	-	73 35
“ Richard Pemberton,	-	-	-	392 87
“ Richard Pemberton,	-	-	-	285 00
				<hr/>
				\$4,443 15

To this sum Mr. Saunders has added, (without specifying for what purpose,) - - - - - 300 00

Making, - - - - - \$4,743 15

As the balance due to contractors. On an additional scrap of paper filed with this report, the Board will find that the sum of \$4,743 15 is brought down, and has added to it \$257 00 as a balance due contingencies, which makes \$5,000; the two sums of \$300 and \$257, was said to be for extra work and the balance that it will take to superintend the completion of the road.

The stock now owned by the State is	-	-	-	\$11,614 00
The stock of individuals,	-	-	-	650 00
Contractors stock paid in work,	-	-	-	5,450 00
Subscriptions now asked for,	-	-	-	5,000 00
				<hr/>

Will make the total cost, - - - - - \$22,714 00

This makes the road and bridges, including all expenses, cost \$18 62 per pole, or \$5,958 40 per mile. The grade of this road is 32 feet in width, and covered with metal 18 feet wide. The first layer of stone are, by contract, to be broken so small as to pass through a 2½ inch ring. The second layer to be laid on 12 feet wide and 4½ inches deep, and broken so small as to

pass through a 2 inch ring. This amount of stone has generally been laid on the road, though it has spread to some extent. On most of the contracts it will now measure 9 inches in the middle of the road and 7 inches on the side, and is a good road cover.

In order to have this road completed, the contractors will necessarily require some pecuniary aid. I would suggest the propriety of paying no money on the balances due the contractors until their contracts are certified to be finished, either by one of the resident Engineers or by the superintendent of the road, excepting B. & J. Bennett, whose work will require a close estimate; and for the balance in hand to complete their contract must be economically applied, and aid furnished as the work progresses. This company have a toll gate up, and are taking toll. The rates are in proportion to the other toll gates, in the proportion that three and a half miles bears to five miles.

This road presents an anomaly in the construction of roads—I am not prepared to say, with all the evils attending it, that it has cost a sum much beyond the other roads of the State. The example is a bad one, and should not be countenanced in future. I consider that the road could have been built for cash at the rate of \$320 per mile less than for the one fourth stock.

There is another example set by this Board, for which I can find no corresponding example on the North of the Kentucky river. They have each charged for their services—see the account marked A. This account is only in part, and in an examination I find that the Engineer, C. Saunders, is a stockholder to the amount of \$100. The Board must judge of the character of the whole transaction and form their own conclusions. I have but little doubt that so far as the members of the Board are stockholders, their stock has been cancelled without paying any money, considering their services an equivalent for their stock.

I found the books loosely kept. Ten days since I requested, by letter, a statement certified by some officer of the Board, directed to President Shields, which would shew in detail the expenditures of the Board for damages, stone, superintendence, and the pay of each member of the Board—such paper has not come to hand. Such information as I could procure is filed with this report for your inspection.

A map of the road is also ready for inspection. The survey was made in the centre of the road as now made and before stated. The graded portion is thirty two feet wide; the banks are rough and require sloping; the drains are all in bad order—and the road wants *raking* and blockading. The grades vary from zero to three degrees. The road bed was formed of a convex elliptical shape, five inches higher in the centre than at the sides. Owing to the manner of laying the metal the stone road way has a rise in the centre of fifteen inches in the middle, this makes the curve so great as to endanger the passage of wagons and carriages, and forces the travel all to keep the same track.

Which is respectfully submitted.

HENRY J. EASTIN, *Res. Eng.*

To SYLVESTER WELCH, Esq.,

Chief Engineer of Kentucky.

REPORT on the Anderson county portion of the Franklin and Crab Orchard road.

ENGINEER'S OFFICE, May 8, 1838.

SIR :

By an order of the Board of Internal Improvement I have examined that part of the Franklin and Crab Orchard Turnpike Road which lays or passes through Anderson county. Having examined the original contracts, they have generally been complied with. The road bed is made in the following manner: fifty feet in width has been cleared of all timber; thirty two feet of this quantity has been graded and grubbed; the road bed has an elliptical convex shape, rising generally 15 inches in the centre; the excavations and banks, by contract, were to have been cut at a slope of 1 to 1, or 45 deg.; but little attention has been paid to them, being generally much too steep; the road bed is badly drained, and the culverts too few, and nearly always too small, to vent the water; they are much choked and filled up. The foundations of many of the culverts are being undermined at the lower ends of the culverts by the water which passes under the flagging. The stone roadway is generally eighteen feet wide; has been badly put on, (the stone having been prepared on the road bed; this plan was adopted and permitted by the superintendent,) being thick enough to fill the contract, but lumpy and irregular; the stone are too coarse, being in weight from 4 to 20 ounces; they consolidate slowly. But little attention has been paid to raking the stone roadway, or keeping it level and smooth. I have no doubt that the contractors, (except J. D. Eliston and Tracy,) have complied with their contracts, as required by the superintendent. The stone roadway on Ellison's work is badly made, being composed of stones so large that much travel will be necessary to render it smooth. A part of Mr Tracy's work is in the same condition. This defect was pointed out to a part of the managers. Before they are paid the stone which are too large should be broken up smaller with a hammer, by passing over the road. The drains are in bad order, and should be opened so as to carry off the water.

This is a fair sample of the roads in Kentucky, and cannot be said to be in worse order; the contracts added make the distance in Anderson county 13.78 miles, and at the contract prices, will cost \$67,147 67, including all the labor of making the road.

The contingencies have been considerable, and are made up of the following items:

Expenses engineering,	-	-	-	\$1,571	50
Damages, &c.	-	-	-	642	57
Counsel and clerks,	-	-	-	170	99
Board for services,	-	-	-	1,343	84
Other contingences,	-	-	-	377	37
					<hr/>
					4,106 27
Cost of the road brought forward,	-	-	-		67,147 67
					<hr/>
Total cost of the turnpike road,	-	-	-		71,253 94

Amount brought forward,	-	-	-	-	\$71,253 94
The Treasurer reports individual stock paid,	-	-	-	5,736 00	
County of Anderson,	-	-	-	3,750 00	
Contractors stock paid,	-	-	-	16,107 91	
State stock paid,	-	-	-	37,950 00	
					<u>63,543 91</u>
Ballance due,	-	-	-	-	7,710 03
Additional damages for stone furnished by sundry persons					
11th May, inst.	-	-	-	-	47 50
					<u>7,757 53</u>
Ballance due,	-	-	-	-	<u>\$7,757 53</u>

HENRY J. EASTIN,
Resident Engineer.

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

REPORT on the Winchester and Lexington Turnpike Road.

ENGINEER'S OFFICE,
February 9, 1838. }

SIR :

By a letter received from Richard Chiles, President of the Winchester and Lexington Turnpike Road, by Major A. K. Wooley, one of the directors of said road, I was requested to attend a meeting of the president and directors of the Lexington and Winchester Turnpike Road Company on the 10th instant. Having attended this meeting, and the difficulties of completing this road being removed, the company having procured the right of way on the portion of line not now in progress near Winchester, the contractor, Lewis Vemont, has agreed to go on and complete the work under the original contract.

A resolution was also adopted, directing the President to call on the President of the Board of Internal Improvement for an engineer to comply with the last law of the Legislature on the subject of this road.

In pursuance of your direction, and said call or request, the annexed report is made, and gives in detail the cost of this road so far as it can be ascertained, and is based on an actual re-measurement of the total line of road by which the contractor is to settle for his work with the President and Directors of this turnpike road.

The length of the road, from Limestone street in Lexington to the court house door in Winchester, is 18 miles and 59 poles. The length of the various sections are as follows, with the names of the sub-contractors under Lewis Vemont:

City section,	242.9 poles,	Thos. H. Walters, contractor.
1st section,	320. poles,	Allender, contractor.
2d section,	320. poles,	Allender, contractor.
3d section,	319. poles,	Vemont, contractor.
4th section,	317.1 poles,	Jno. Cottingham, contractor.
5th section,	320. poles,	Austin Graham, contractor.
6th section,	330.2 poles,	Austin Graham, contractor.
7th section,	296.7 poles,	Jno. S. Vemont, contractor.
8th section,	320.0 poles,	Jno. S. Vemont, contractor.
9th section,	320.0 poles,	Swinford, contractor.
10th section,	317.7 poles,	Swinford, contractor.
11th section,	320.3 poles,	Will. B. Shanks, contractor.
12th section,	320. poles,	Will. B. Shanks, contractor.
13th section,	352.5 poles,	Jno. S. Vemont, contractor.
14th section,	320. poles,	Jack Louiso, contractor.
15th section,	306.5 poles,	Jack Louiso, contractor.
16th section,	184.8 poles,	Vemont, contractor.
17th section,	248. poles,	_____, contractor.
18th section,	137.4 poles,	
19th section, to Winches'r,	205.6 poles.—In all, 5819 poles.	

The cost of the Winchester road when completed, at the contract prices, will be as follows, to-wit :

5819 poles, \$13,	-	-	-	\$75,647 00
Extra culvert at Cuglston's spring,	-	-	-	50 00
Extra, Wooley's branch,	-	-	-	25 00
Extra, Carter's lane,	-	-	-	31 50
Extra, Darnaby road,	-	-	-	31 50
Extra, Coleman's pond,	-	-	-	31 50
2 culverts on 13th section,	-	-	-	63 00
Extra on 4 large bridges,	-	-	-	550 00
Extra bank, 13th section, 2233 yards c. 20,				446 60
Extra excavation on same, Yates' Hill,	-	-	-	75 80
Extra embankment at Hancock, 1,560 yards, at 20 cts.				312 00
Extra embankment, Stroad's creek, 885 yds. at 20 cts.				177 00
For moving N. Warfield's fence,	-	-	-	13 81
For hire hands, by H. J. Eastin,	-	-	-	70 00
For expenses attending this report,	-	-	-	20 00
For damages and right of way,	-	-	-	7,052 25
Expenses (engineering) and toll houses,	-	-	-	6,187 66
				<hr/> \$91,494 62 <hr/>

The Winchester and Lexington Turnpike Road Company,

To L. Vemont, contractor,

Dr.

To contract price on 5,576.1 poles, at 13 dollars,	-	72,489 30
Extra work, Wooley's branch,	-	25 00
Extra work, Carter's lane,	-	31 50

To Extra work, Darnaby's road, - - -	31 50
Extra work, Coleman's, - - -	31 50
2 culverts on 13th section, - - -	63 00
Extra masonry, 4 bridges, - - -	550 00
Extra Bank, 13th section, - - -	446 60
Extra excavation, 13th section, - - -	75 80
Extra bank, Hancock, - - -	312 00
Extra bank, Stroad's creek, - - -	177 00
Extra removing, N. Warfield's fence, - - -	13 81
	<hr/> 74,247 01

The Winchester and Lexington Turnpike Road Company have paid Lewis Viment the following sums, viz :

James B. Duncan, Treasurer, - - -	45,684 19
Ballance due L. Vimont, completion, - - -	<hr/> \$28,562 10 <hr/>

STATEMENT A.

The total cost of the road as it will be when completed.

City section, Thos. Walters, contractor, - - -	3,363 88
Lewis Vimont, contractor, - - -	74,247 01
Extra culvert at Clugston's, - - -	50 00
H. J. Eastin, - - -	70 00
Expenses this report, &c. - - -	20 00
Damages, &c. - - -	7,052 25
Expenses engineering, &c. - - -	6,897 66
	<hr/> 91,700 80 <hr/>
Half to be paid by the State, - - -	45,850 40
State stock subscribed, - - -	33,700 00
	<hr/>
Ballance to be subscribed by the State, - - -	<hr/> \$12,150 40 <hr/>

By reference to the length of the city section it will be seen that it measures 242.9 poles, at \$13 per pole, amounts to - - 3,157 79
The company have paid for it, - - - 3,363 88

Over contract price, - - -	206 18
This sum added to, - - -	91,494 62

Will give the last cost of the road, as per statement A, as above, \$91,700 80

This will require an additional subscription on the part of the State, of \$12,150 40 cents, to give half the cost of the road.

HENRY J. EASTIN, *Res. Engineer.*

SYLVESTER WELCH, Esq.

Chief Engineer of Kentucky.

REPORT on the Turnpike Road from Glasgow to the Tennessee State line.

ENGINEER'S OFFICE,
February 9, 1838. }

TO SYLVESTER WELCH, Chief Engineer of Kentucky, and to the President and Managers of the Turnpike Road Company, leading from Glasgow in Barren county, through Scottsville in Allen county, to the Tennessee State line, in the direction to Nashville.

GENTLEMEN:—Under your directions a line for said road has been surveyed, embracing the points in the above turnpike road charter, having commenced at Scottsville on the 15th January last. The whole length of the line, as located from Glasgow to the State line, is 36 miles. From Glasgow to Scottsville 25 8.10 miles, and thence to the line, by way of Little Trammel creek, 10 2.10 miles. This line has been selected, out of the several lines run, as the shortest and most level, and embracing more natural advantages than either of the others. At the State line a bench was made on a large white oak 1.5 feet above surface, and at the grade surface of the road bed.

Various compass lines had been run previous to the commencement of the survey, but they were found to afford but little information. The face of the country being undulating, and the dividing ridges high, steep and affording but few suitable points for passing them, the points requiring the lightest grades were selected; and the road is located around the hills, in all cases, rather than over them. The old travelled road is estimated, by various former surveys, to be 35 miles in length; is very circuitous, and has been frequently changed so as to accommodate the farming community rather than obtain the best ground for the road. In this location no attention has been paid to individual interest, as a general rule; but the best line has been selected, keeping a low grade in view. The alignment is circuitous, though no curve has been adopted that will render the travel of carriages or other vehicles dangerous.

The surface of the country is much broken, with frequent and deep ravines. The lands, except at a few points, second rate quality. The ravines and branches are precipitous, and in freshets the water passes off so rapidly as to require culverts frequently, and something larger than usual on roads.

The ravines and water courses are as follows: beginning at Glasgow—first, the south fork of Bacon creek requires a bridge of 40 feet span; Skegg's creek, a bridge of 100 feet span: Raccoon creek, a bridge of 30 feet span; Peters' creek, a bridge 75 feet span; Big Barren, a bridge of 176 feet span; east fork of Hurricane, a bridge of 30 feet span; Bay's Fork, a bridge of 30 feet span; branch of Bay's Fork, a bridge of 20 feet span;

Big Trammel, a bridge of 60 feet span; Little Trammel, a bridge of 50 feet span; and two branches of it, each requiring bridges of 20 feet span. They all have good rock foundations at the bridge sites for abutments, except the north abutment of Big Barren river—this will probably require a grillage foundation. There is a good natural abutment on the south bank of Barren, immediately above the mouth of Hurricane. Estimates have been made for the most substantial class of bridges. All having spans greater than 40 feet, are to be covered; from 40 to 100 feet span, single road way 15 to 18 feet in the clear. The bridge over Big Barren river, a double track, or road way, upon the plans exhibited in the Engineer's office. The abutment on the north side of the river will be 31 feet high, of the best coursed rubble masonry, and requires wings of the same height 40 feet long; the abutment pit requires 3,000 yards excavation. Rock appears three feet below low water surface in the middle of the river, gradually sloping to the north east. The bed of the stream, from the middle to the north shore, is coarse, hard, black sand and gravel. Barren river most usually has a cliff on one side and an alluvial bottom on the other, subject to overflow during freshets. Of the bridge sites examined on it, this affords the best and least expensive bank at the bridge site. Attempts were made to cross Barren below the mouth of Peter's creek—the south bottom of the river is low, 1200 feet wide, and overflows from 9 to 17 feet deep. This would have been an advisable crossing if it could have been effected with safety to the road. The bridge over Peters' creek would be saved by it; but even the difficulty of a low bottom being overcome, the ascent of the high ridges, so frequent for the adjacent four miles, would forbid the road being laid on or over them. The total cost of all the bridges, including stone masonry, as will appear by the schedule B, herewith filed, is \$16,956 50; for masonry and superstructure, 12,848; excavation abutment pits, \$1,200—total, \$41,004 50.

The vallies of the small creeks and branches have been selected for the location as far as practicable, and a southern exposure of hill sides selected where practicable throughout the line.

The stone is inferior lime, shale, slate silix, and red sand stone in small quantities, with large beds of quartz or gravel. This latter is in large quantities in the valley of Little Trammel creek, and for 4.5 miles up its valley is sufficient, in quantity, to afford a fine road cover. The limestone can be procured at all points to insure a good road way, most generally adjacent to the location, and no portion will require to be hauled a greater distance than one mile—this occurs on the dividing ridge south of Scotsville, between the waters of Bay's Fork and Big Trammel creek. The quarries for the residue do not exceed half a mile. The stone at many of the quarries disintegrates easily; but proper care in the selection will insure a sufficiency of good hard stone for the cover. The largest flint quarry, I have seen, is on the farm of Mr. Myers, in a cliff on the south side of Trammel. It is of the hardest class of white; the strata are from 8 to 28 inches thick.

The whole line will require 108 culverts, none of which will be less than two feet in their spans; the masonry to be rubble, will be laid without mortar. They contain 1,840 perches masonry at \$1 50—\$4,260.

The excavations and embankments are light, having preferred to increase the length of the road to making deep heavy excavations and embankments.

There is but a small portion of swamp, boggy, or low wet lands. Where they occur a small embankment and side drains will insure stability to the road bed. The greatest quantity is in the valley of Raccon, Skegg's creek, and the table lands at the ridge, and at the crossing of Hurricane creek—about 40 poles at each point.

The grubbing and clearing are of the heaviest class—timber, white oak and chesnut generally; in a few places large poplar and some sugar tree and gum. The value is fixed at \$2 per lineal pole for the work.

The soil is composed of gravel and a deep coarse yellow substrata of clay, not tenacious, dries quickly, becomes smooth, firm and hard; is not penetrated deeply by rains, and by care can be drained through the culverts and natural channels of the country with ease. I would advise the trial of a dirt turnpike road from the top of the ridge at Mr. Curd's, except in the valleys of the streams, and embankments to the valley of Little Trammel creek, and it may be safely calculated that in that distance, 15 miles of hard fine road will be secured. Judging from the wear of the old road, there is so much gravel and quartz intermixed, that unless a very superior stone could be had for the cover, the sand or gravel would do better than a stone road way of inferior metal. The old road does not wear into ruts, but keeps a smooth even surface, and where the water does not stand on it, is firm, even in rainy weather. The surface is more subject to damage from frost than rain, and the thaw seems, for a short period, to leave the upper surface of the road open and loose.

The timber for the superstructure of the bridges is of the first class of white oak and poplar, both in large quantities. A sufficiency of plank can be had at all the sites, particularly at Big Barren river and Peter's creek, where John Lewis has a fine saw mill, to build them.

The dimensions of the road are as follows: grubbing and clearing 60 feet throughout the line, grubbed 35 feet; the road bed with a drain on each side where the slopes of the hills are not sufficient to dispense with one, will be 30 feet wide.

The graded surface is estimated to be 35 feet in width, in all cases where the slopes of the hill sides do not exceed 20° in the transverse section of the road, clear of the side drains. The stone road way to be one foot thick and eighteen feet wide.

The maximum ascent or descent is one foot in 28.65, or two degrees. This maximum grade has been adopted on about one fourth of the line; the residue will be from zero to the maximum grade; the largest portion at three quarters of a degree.

A printed direction for the construction is filed with this report, with a form of contract by which the road is to be sold and paid for. This contract includes all the necessary specifications for the information of the President and Directors, the superintendent of the road, and contractors. The President and Directors are expected and required to build this road in pursuance of those instructions.

A map of the road will be made as soon as the duties of the service will permit. A plan of the bridges, with specifications, will be sent to the President of the road; also, plans of culverts and form of the road bed and stone road way.

It is unnecessary for me to state that this is a continuation of the turnpike road from Louisville through Bardstown, Glasgow and Scottsville, to

the Tennessee State line, in the direction to Nashville; that 39 miles from Louisville to Bardstown, with the bridges, are all completed, so as to be fully used; that the contractors are in full operation on the 67 miles, from Bardstown to Glasgow, with all the work under contract and progressing rapidly; that the State of Tennessee has built and is building a like road from Nashville to the Kentucky line, 25 miles of which will be finished the ensuing summer, and the residue of the line will be put under contract the 20th instant, as appears from the advertisement of the President, &c. in the Nashville papers—with a sufficiency of State and individual stock to insure its completion.

The latter part of the line, say from the *Bear Wallow* to Glasgow, and the line embraced by this report, will also form part of the line from Lexington to Nashville, and be on the nearest and best line.

I am unable to say what profits this road will yield to the State or individual stockholders; no road has a larger extent of population, or could afford to the citizens of the north and middle districts of the State more benefit; and what the line will yield cannot be clearly ascertained until the whole is completed. It may be safely set down that the profits will be equal to the profits of any road in which the State has an interest.

By reference to schedule B, the cost of the whole line will be found to be \$211,049 53, including all the items of work.

In executing this survey on the ground, (Capt. Samuel Fordwood had its direction,) until a compass line was completed to Scottsville, and two lines run to the State line, one at a point known as the "J R" trees, 9.5 miles from Scottsville, and the other at a point called the "*Social Point*," nearly 11 miles from Scottsville. On either of these lines a road *could* be made; yet neither suits Kentucky so well as the route here reported. The extent of line surveyed by Capt. Fordwood, in fixing this location, and to enable the fixing of the reported line, is about 70 miles—much of which will make a fine road. In making those surveys much was effected in procuring releases and stock to aid the completion of the road.

The Board may rest assured, that for a country as undulating as this line passes over, none can afford a better selected line for a road.

The estimates have been made under the direction of George W. Shields, civil Engineer, (who kept all the notes, and directed the survey,) and by the corps of young gentlemen who assisted in making the surveys under my instructions—all of whom are fully adequate to the task. They have been hurried, and before the schedules are finished, will be re-examined.

By a resolution of the Board of Directors, herewith filed, it will be seen that they are anxious to have this road put under contract forthwith. Much local feeling is expressed by the community through which it passes. The people are almost unanimous in the expression and hope that the Board of Internal Improvement will extend to them all the aid in their power, to insure a speedy completion of the entire line of road.

To the President and managers I would beg leave to express my best respects, for their attention to the corps while making the location, and particularly President Walter Thomas.

A copy of this report will be filed in the Engineer's office, with the schedules and a copy of the notes of the located line, so soon as they can be made out and sent to the President. The original notes will be filed in the Engineer's office. Which is respectfully submitted,

HENRY J. EASTIN, *Res. Eng.*

SCHEDULE B.

Estimate of the Road from Glasgow to the State Line.

SECTIONS.	No.	Length of sect'n in poles.	Grubbing in poles	Price per pole.	Masonry in per. of 25 c. feet each.	Price per perch.	Embankment in cubic yards.	Price per yard.	Excavation in c. yards.	Price per yard.	Extra excavat'n in cubic yards.	Price per yard.	Excavation of rock in c. yards.	Price per yard.
		Poles.	Poles.	Dolls.	Per.	D. Cts.	Yds.	Cts.	Yds.	Cts.	Yds.	Cts.	Yds.	Cts.
One, -	-	353.2	220.4	2 00	80	1 50	4834	10	4834	10	7066	13	-	50
Two, -	-	386.7	272.9	2 00	130	1 50	3089	10	3089	10	3486	13	-	50
Three, -	-	319.7	254.5	2 00	100	1 50	1414	10	1414	10	3676	13	-	20
Four, -	-	324.0	324.0	2 00	-	1 50	1888	10	1888	10	3828	13	-	50
Five, -	-	321.0	215.0	2 00	50	1 50	931	10	931	10	3952	13	-	50
Six, -	-	338.0	231.2	2 00	105	1 50	5281	10	5281	10	6430	13	-	50
Seven, -	-	328.0	146.4	2 00	100	1 50	6390	10	6390	10	2703	13	-	20
Eight, -	-	317.0	140.3	2 00	100	1 50	3687	10	3687	10	3901	13	-	50
Nine, -	-	365.8	93.9	2 00	175	1 50	6987	10	4632	10	-	13	-	50
Ten, -	-	306.8	258.4	2 00	75	1 50	1016	10	1016	10	7557	13	-	50
One, -	-	318.6	143.3	2 00	75	1 50	5559	10	5559	10	3456	13	-	50
Two, -	-	365.0	110.3	2 00	75	1 50	4332	10	4332	10	3608	13	-	50
Three, -	-	327.4	182.3	2 00	100	1 50	3229	10	3220	10	3076	13	-	50
Four, -	-	297.5	171.8	2 00	100	1 50	2754	10	2754	10	4690	13	-	50
Five, -	-	315.8	170.2	2 00	95	1 50	2456	10	2456	10	4402	13	-	50
Six, -	-	330.0	110.0	2 00	75	1 50	5225	10	5325	10	6840	13	-	50
Seven, -	-	320.4	266.0	2 00	50	1 50	1493	10	1493	10	2526	13	-	50

SECTIONS.	Bridges, span of.	Price per foot.	Masonry in abut's.	Price per perch.	Excavation in abutment pits, c. yds.	Price per yard.	Stoning road.	Price per pole.	Total cost of each section.		REMARKS, &c.
No.	Feet.	D. Cts.	Per.	D. Cts.	Yds.	Cts.	Poles.	Dls.	Dolls.	Cts.	
One,	40	5 00	233	2 00	—	—	353.2	10	6,944	18	Beginning in Scottsville, in str't opposite court house.
Two,	—	—	—	—	—	—	286.7	10	4,678	78	Section 2d ends on dogwood.
Three,	—	—	—	—	—	—	319.7	10	4,616	68	On poplar, in field.
Four,	—	—	—	—	—	—	324.0	10	4,763	24	On red oak, 22 feet to right.
Five,	—	—	—	—	—	—	321.0	10	4,414	96	On red oak.
Six,	60	18 00	512	2 25	—	—	338.0	10	9,389	15	Crosses Big Tramel.
Seven,	—	—	—	—	—	—	328.0	10	5,826	45	On white walnut.
Eight,	50	18 00	473	1 75	—	—	317.0	10	6,572	88	Crosses Little Tramel.
Nine,	20	3 50	104	2 00	—	—	365.8	10	5,948	20	On stump, bearing N. 53 W.
Ten,	20	3 50	104	2 00	—	—	306.8	10	5,914	91	From Se'sville to oak, on S. line.
One,	—	—	—	—	—	—	318.6	10	5,146	18	On oak.
Two,	30	4 00	92	2 00	100	20	365.0	10	5,642	54	Crosses East Fork of Bay's Fork.
Three,	30	4 00	90	2 00	100	20	327.4	10	5,254	28	On sycamore.
Four,	—	—	—	—	—	—	297.5	10	4,285	50	On white oak.
Five,	—	—	—	—	—	—	315.8	10	4,704	36	Ends in field, stump, 33 ft. right.
Six,	—	—	—	—	—	—	336.0	10	5,626	70	On black ash, 17.4 ft. to left.
Seven,	—	—	—	—	—	—	320.4	10	4,437	98	On chestnut stump.

Eight, -	-	-	-	-	-	-	-	320.4	10	4,507 25	On poplar, 35 feet to left.
Nine, -	-	-	-	-	-	-	-	324.6	10	4,831 74	On poplar, 9.4 off.
Ten, -	30	4 00	-	2 00	-	100	20	324.2	10	5,240 75	Crosses Big Barren.
Eleven, -	200	28 00	90	3 25	3000	-	20	280.2	10	19,718 40	On beech, 13 feet off.
Twelve, -	-	-	-	-	-	-	-	326.5	10	5,668 00	Ends south of Peter's creek.
Thirteen, -	-	-	-	-	-	-	-	281.8	10	4,286 25	On beech.
Fourteen, -	75	18 00	723	2 75	1000	20	20	320.8	10	9,037 85	On chestnut, 18 feet to left.
Fifteen, -	-	-	-	-	-	-	-	320.4	10	4,392 64	On poplar, 13.5 feet to left.
Sixteen, -	-	4 00	-	-	-	-	-	330.4	10	5,117 55	Crosses Raccoon c'k, ends in field
Seventeen, -	30.20	3 50	268	2 00	100	20	20	326.0	10	6,197 59	On beech.
Eighteen, -	100	18 00	820	2 00	1100	20	20	350.0	10	9,028 67	On beech, 7.8 feet off.
Nineteen, -	-	-	-	-	-	-	-	322.4	10	5,222 00	On poplar, 3.3 feet to left.
Twenty, -	-	-	-	-	-	-	-	317.4	10	4,751 57	On red oak, 24 feet off.
Twenty one, -	-	-	-	-	-	-	-	322.8	10	4,408 23	On oak, 7 feet off.
Twenty two, -	-	-	-	-	-	-	-	335.2	10	5,090 88	On Oak.
Twenty three, -	-	-	-	-	-	-	-	330.0	10	5,154 04	Crosses Beaver creek.
Twenty four, -	40	5 00	298	2 00	100	20	20	397.0	10	6,775 37	On hickory, 13.5 to right.
Twenty five, -	-	-	-	-	-	-	-	330.6	10	5,064 59	At Glasgow.
Twenty six, -	-	-	-	-	-	-	-	176.0	10	2,494 19	
Total cost of road, -	-	-	-	-	-	-	-	-	-	211,049 53	Total length of road, 36 miles,
Deduct stoning 15 miles, at \$3,200 per mile, -	-	-	-	-	-	-	-	-	-	48,000 00	11 feet.
Net estimate, -	-	-	-	-	-	-	-	-	-	163,049 53	
Add 7 per ct. for contingencies, -	-	-	-	-	-	-	-	-	-	11,413 49	Cost per mile, - - - \$4.819 40
Net total cost, -	-	-	-	-	-	-	-	-	-	174,463 02	

REPORT on the Glasgow and Scottsville Turnpike Road.

ENGINEER'S OFFICE,
December 1, 1838. }

SIR :

Under your direction I attended and assisted in placing under contract, on the 15th June last, the Glasgow and Scottsville Turnpike Road. The following report will show the sales, and also such other facts relative to the work as your instructions required.

The length of this road is thirty six miles, viz: From Glasgow to Scottsville twenty five and eight tenths miles, thence to the Tennessee line ten and two tenths miles.

This road is laid out on a maximum grade of one in 28.65 feet or 2°.—The width of the road is 60 feet; to be grubbed and graded 35 feet, with a drain on each side where the natural slopes of the hills are over 20°—the graded part of the road is to be only 30 feet wide clear of a good side drain.

The whole line is under contract with the necessary bridges, (except the Skeg's creek bridge of 100 feet span.) The stone road way is to be one foot deep and eighteen feet wide. Four and one half miles of this road up the valley of Big Tramel creek are to be covered with gravel, at \$1,600 per mile.

In all respects for the manner of building this road, I refer you to the report on the Glasgow and Bardstown turnpike road of this date.

The bridges are all under contract, except one of 100 feet at Peters' creek, and remain as in my report of the 9th February last, except the bridge over Big Barren. Under your direction I have reduced this bridge to a span of 176 feet, and raised the abutments three feet higher than reported as above. It is to be built under the same specifications and plan of the bridge over the Rolling Fork on the Bardstown and Glasgow turnpike road. Messrs. Wolfe and Shafer are the contractors, and engaged in their work, but little has been done as yet—the abutment pits are excavated. On the south side of the river the abutment will have a rock foundation, on the north a grillage or timber foundation, as at the Beech Fork and Green river bridges.

The other small bridges are under contract on plans from the State office, and all in progress. The contractors are energetic and executing their work as well as young and inexperienced contractors generally do. The greatest portion of the work was taken by the farming citizens of the country through which the road passes.

The President and managers are as energetic as they generally are, considering they are all inexperienced in their duties, yet all of them seem to take great interest in the progress of the road.

This work is under the direction of George W. Shields, Esq., superintending Engineer, assisted by C. H. May. The experience of Mr. Shields will ensure a good road and faithful execution of the work. He commenced his superintendence in September last.

From the date of the letting, up to the 10th of September last, the work was under the direction of Capt. Samuel Forwood.

Schedule B.—This schedule will show the contractors names and the prices paid for each particular item of work, with the length of their sections of work. The whole is to be completed by the 25th of November, 1839.

The cost of the whole road as under contract, including	
the bridges, is	\$125,117 78
Of this sum there has been paid	17,275 78
Leaving a balance to be paid of	107,842 00
The bridge over Skeg's creek, not under contract, I estimate to cost \$4000,	
which will make the whole net cost of the road	\$129,117 78
This does not include contingencies, for which it will be safe	
to add 5 per cent.,	6,455 88
Total aggregate cost, as under contract,	\$135,573 66

Stoning thirty one miles, to-wit:

Gravel 4.5 miles \$1,600,	7,200 00
Stone 26.5 miles 3,200,	84,800 00
	92,000 00
Total cost complete,	\$227,573 66

HENRY J. EASTIN,
Civil Engineer.

SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

REPORT on Richmond and Lexington Turnpike Road.

ENGINEER'S OFFICE.
May 11th, 1838. }

SIR:

Pursuant to your directions an examination of the Richmond and Lexington Turnpike Road has been made.

The distance from Lexington to Richmond is 25 miles.

The road is under contract from Lexington to Foxtown, or about 19½ miles; 14½ miles from Lexington to the Kentucky river have been completed, and two toll gates are in operation collecting tolls.

The width of this road is required to be 50 feet, cleared, grubbed and graded 30 feet, and stoned not less than 12 nor more than 18 feet. In many places the fences of the farmers are placed too near the road, and 50 feet is not left for the use of the road. Those fences should be removed so as to give air and the sun to the road.

The maximum grade of the road from Lexington to the top of the Kentucky river cliff, is 2° or 1 foot rise or fall in 28.65 feet. The grade down the north cliff of the Kentucky river is at a grade of three degrees. The width of the graded part of the road is 30 feet—the grade is made more convex than any turnpike I have examined, some of it as much as 15 inches higher in the centre than at the sides. The culverts are all bad, and the foundations, in many of them, giving way. There have been more of them put in than usual, and the road is better drained. The freezes of the last winter and the spring rains have caused the banks to fall from the sides of the excavations and many of the drains are filling up, they should be well cleared, and some stumps grubbed out of them.

The metal of the McAdamized road is laid in the centre of the road bed, 18 feet wide and 9 inches deep. The stone is of the first quality, but broken too coarse and cements very slowly; the road is kept well raked smooth and even—three men are employed daily for the purpose of raking the road, I understand, at \$1 37½ per day each. Fourteen and one half miles of the road are finished from Lexington to the Kentucky river, and two toll gates are up taking toll. Too much care was taken to locate this road in long straight lines, and frequently the best ground has not been selected. A good site for a bridge has been selected; for the present the McAdamizing is extended to low water in the Kentucky river, on both shores; the ascents are steep and I fear that the plane on the north side will be undermined by the river and fall in—the bed of the stream being sand, and the water at the lowest stages about 8 feet deep—this road is protected by a rip rap wall on the north where it is subject to overflow, but it is too thin and the stones used too large. On the south side, the river has a rock foundation; less difficulty will attend that part of the road which leads up from the river.

On the south side of the Kentucky about five miles of this road are under contract. That part ascending the river cliff is giving away in the grade. The most of the excavation is clay, and stands at a natural slope of about 30 to 35° . In making the grade the timber was not well cleared away, and no steps or bases cut to receive the excavated part of the road—it is giving way in several places, near the top of the cliff, a distance of near 300 feet has broken off and slid entirely down the cliff into the river. At this point in the road I consider the location not good, and am of opinion that it should be changed by cutting through the gap in the cliff (where the short and very dangerous turn is made,) into the head of a ravine, and passing on the south west of the first farm on top of the hill, join the line at or near the base of the first plane on the south side of the river cliff after the summit is passed—to determine this the lines should be run and an estimate made. If this plan fail there is no remedy but to excavate on the lower side of the road bed at this slip down, to solid rock, and commence a wall in the following manner, in lieu of the slope of the embankment. This wall should not be less than two and one half feet thick on the top, or on a level with the road way. The back, towards the road way, to be built vertical; the outer face should have an inclination or batter of three inches to

each foot in length, so that every four feet in height will increase the width or thickness of the wall at bottom one foot. This wall should extend so far each way up and down the river as to secure the bank. The location is so made and the turn of the road so abrupt, that I fear, the road will ever remain dangerous to the travel; the whole hill is clay and must continue to slip for some years, and the earth excavated, for half a mile, continually wash down on the road below. If the expense should not be found very variant, I would certainly recommend the excavation to be made, and the location changed, not only for economy in the end, but for safety to the travel. The curve adopted for the ramp is not more than thirty feet radius on a plane of $3\frac{1}{2}^{\circ}$ —the descending transportation will always be endangered. This cliff affords good hard limestone for the road bed up it, which is nearly completed. The drain next the hill is much filled up by the slipping of the bank above, which has never been properly sloped. This hill side is spouty, and there are not a sufficiency of culverts under the road to pass the water. From the top of the south cliff of the Kentucky river to Foxtown, a distance of four miles, this road is roughly graded, and the culverts badly built. The culverts are badly constructed and of bad, soft, slaty stone—that built by the contractor near Foxtown should be taken up and rebuilt before the bank is made over it.

The stone broken for this part of the road is mostly, totally unfit for making a McAdams turnpike, being soft and slaty—disintegrates with the action of the weather. I consider the stone totally a loss to the company and State if used and paid for. If they be used a three four inch coat of hard compact lime or other hard stone after they are laid should be placed over them.

I understand the last six miles of this road, from Foxtown to Richmond, has not been finally located, nor have individuals taken a sufficiency of stock to construct it.

HENRY J. EASTIN, Res. Eng.

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

ENGINEERS' OFFICE, FRANKFORT,
December 8, 1838. }

SIR;

The following report of the present condition of the Lexington and Richmond, Lexington, Nicholasville, Danville and Lancaster, and Lexington and Harrodsburg Turnpike Roads, is respectfully submitted.

On the Lexington and Richmond road, 15 miles are finished and in use, and five are under contract. The width of the grade on the finished portion is about 30 feet except on the embankments which are mostly from 3 to 4 feet less; the slopes range from 1 to $1\frac{1}{2}$ —many of the ditches are open, but a great portion of the road seems to require more ditching. The metal coating is about 18 feet wide, the thickness was not ascertained but is pre-

assumed to be not more than $6\frac{1}{2}$ a 7 in., as it has evidently been cut through by the wheels of wagons—the quality of stone used is not generally good.

The double culvert on the fifth mile has not been well built, and the stone used are of an inferior quality.

The culvert on the sixth mile appears to be well built, but the stone are not very good.

On the unfinished portion of the road the grade in the cuts is about 30 feet wide, and from 26 to 30 on the embankments; the slopes of the banks appear much steeper than 45° ; the drainage is imperfect, and the clearing, especially on the steep grade ascending the cliff on the south side of the river, has not been done to the width required.

The metal coating is about 18 feet wide, and the thickness on 5 measurements to be as follows: 7, $7\frac{1}{4}$, $7\frac{1}{2}$, 8 and 8 inches, some of the metal measured was newly put on—some of it partly consolidated, but none in use.

The wall which was found necessary to be built on the face of the cliff, on the south side river, has been finished. It is about 180 feet long, 34 feet high at the highest point, and averages about nine feet in thickness; the batter on the lower portion is 2 inches per foot, and on the upper portion 3 inches per foot on the face. It is said to be founded on the rock and appears likely to stand.

The Danville, Lancaster and Nicholasville road is completed from Lexington to the Kentucky river, except a portion less than one quarter of a mile. The width of the grade is about thirty feet, and the slopes range from 45 to 33° . The ditches are not generally well opened, but the clearing has been done to the proper width. The metal coating is about 18 feet wide, where measured, near the Kentucky river, was found to be $7\frac{1}{2}$ inches thick. The side wall for the support of the road on the face of the cliff, descending to the river, is bad; a part of it has fallen, and other portions are likely to fall during the winter and spring.

The abutments and wing walls of the bridge over the Kentucky river are nearly completed—they are built of rubble masonry—on the north side of the river the abutment and wings are laid in mortar. The stone used are not very large, but appear to be well laid. There is little or no appearance of failing at present. The front of the abutment is 22 feet thick at top, and has a batter on the front, and offsets on the back equivalent to one inch per foot rise. The wing walls are 6 feet thick on top, with the same batter and offsets.

The abutment and wings on the south side of the river are laid dry, with larger stone than those on the north side. The abutment is 24 feet thick on top, and was said to be commenced 36 feet thick at bottom—batters and offsets the same as on the one before described. The wings are 6 feet thick at top with like batters and offsets—the whole height being about 70 feet above the surface of the water. The stone used in the abutment last described are not so good as in the other; they are generally thicker and not apparently so broad; many of them are broken, but no wall crack or opening of the body of the wall is yet apparent. The stone are not well laid, and proper attention has not been bestowed on breaking joints in the face of the work.

The superstructure has been erected and the scaffolding removed, but the roof, weather boarding and permanent floor, have not been put on. It is above 73 feet above the surface of the water in the centre, and above $70\frac{1}{2}$ at the abutments. The span measured between the skewbacks is 235 feet,

and will finish about 40 feet wide at the ends, and 35 in the middle—it has a double road way, and the clear height is 14 feet at the ends and $12\frac{1}{2}$ in the centre. The whole superstructure is very well executed on Wernwag's plan.

From the river to Evansville the road is not all graded; the walls which have been built to support the road in ascending from the river are not well built—a part has fallen down and other parts are likely to fall during the coming winter and spring. The embankments are not all made the full width of 30 feet. The side ditches and drains are defective. The clearing has generally been done to the full width.

The metal coating is about 18 feet wide, and was found by measurement at two points to be 8 and 10 inches thick.

From Evansville to Dick's river, the road is apparently finish grade, about 30 feet, slopes irregular, some embankments narrow, and the ditches and drains not well prepared. The clearing is not done to the full width on the descent to Dick's river. The walls are bad, and some clefts between the rocks are left filled with hardpan, which overhangs its base, and will be brought down by the frost.

The metal coating is about 18 feet wide, and the depth as measured at three places was 7, $7\frac{1}{2}$, and 8 inches. The stone are generally coarse, and near Evansville they are of an inferior quality. An 8 foot culvert near Evansville has not been built in a proper manner—a part of the wall has cracked.

The bridge over Dick's river is nearly completed. The abutments and wings are built of rubble masonry. The abutments are apparently 15 feet thick at the skewbacks, and have a batter of one inch per foot—they appear to be well built although many small stone have been used as closers.

The superstructure is erected, roofed in and weather boarded, the floor is laid, and apparently all finished except the facade. The span is 135 feet; it is 25 feet 2 inches wide at the ends, and 22 feet 8 inches in the middle; it has a double road way, and the clear height is 12 feet 6 inches, and is about 30 feet above the surface of the water.

From Dick's river to Danville the road appears to be finished, and in its general character is similar to the other portions of this road. The thickness of the metal was measured near Danville and found to be $8\frac{1}{2}$ inches.

The Lexington and Perryville road is nearly finished for a distance of 6 miles from Lexington. The grade is 30 feet wide; the embankments at some points are not so wide as they should be; the ditches are tolerably well made, and the clearing appears to have its full width—the culverts are tolerably well built and not numerous.

The coat of metal is about 18 feet wide, and the thickness measured at three points was found to be 10, 8, and $7\frac{1}{2}$ inches, the stone are coarse and generally of a good quality. A bridge is building over South Elkhorn of 2 spans of 18 feet each, semi-circular stone arches.

From Harrodsburgh toward the Kentucky river this road is partly finished, nearly all the grading has been done, and the metal laid on for a portion of the distance. The width of the grade is 30 feet; some of the embankments are narrow, and the slopes at some points too steep—the ditches are not finished—the clearing has not been well done, some logs and roots are partially covered by the embankments.

The coat of metal raises in width, being from $16\frac{1}{2}$ to 18 feet wide, and the thickness, where newly put on and not consolidated, was measured at five places and found to be $7\frac{1}{4}$, $7\frac{1}{2}$, 9, 10 and 8 inches; the stone are generally coarse but of a good quality.

One of the return walls of a bridge abutment near Shakertown has given way. Between South Elkhorn and the Kentucky river little or no work has been done, and the portion between Harrodsburg and Perryville was not examined.

Very respectfully,

Your obedient servant,

ANTES SNYDER.

To SILVESTER WELCH, Esq.,

Chief Engineer of Kentucky,

REPORT
OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION.

FRANKFORT, KENTUCKY, *January 3, 1839.*

SIR :

I beg leave to submit, through you, to the Senate, the Report of the Superintendent of Public Instruction.

Yours, &c.

JOSEPH J. BULLOCK, *P. B. E.*

To the HON. CHARLES A. WICKLIFFE,
Speaker of the Senate.

To the Honorable the Legislature of Kentucky:

The act of the Legislature to establish a System of Common Schools in the State of Kentucky, approved February the 16th, 1838, prescribes the duties of the Superintendent in the following words: "That branch of his duties which relates to the Common Schools, shall be, amongst other things, to prepare and submit an annual report to the Legislature, containing a full and comprehensive statement of the amount and condition, together with plans for the improvement and management of the Common School Fund, and such other matters relating to his office, and to Common Schools, as he shall deem expedient to communicate." In compliance with this requisition I proceed to make the first annual report from this department.

I accepted the office of Superintendent about the 20th of February. A deep interest in the subject of Common Schools, joined to the advice of many of its friends, induced me to engage in the work. My first business was to acquaint myself with the general subject of Common Schools as they exist in other States of the Union and of Europe. I then proceeded to carry into effect the law of this State, by calling together the other gentlemen constituting, with myself, the Board of Education. The Board was organized about the 1st of March, and determined upon their common seal. They ordered one thousand copies of the law to be printed, and placed at the disposal of the Superintendent for distribution among the School Commissioners, and also one thousand Commissions. The first step to be taken to put the system in operation, was the appointment of five commissioners for each county in the State,—this duty devolved wholly upon the Superintendent. The work of obtaining information with regard to suitable commissioners, and the appointment of those commissioners, has occupied much of my time. Before I accepted the superintendency,

the Legislature had adjourned, and consequently I was dependent for information mainly upon the answers received to letters addressed to gentlemen in different parts of the State, asking for information upon this subject, except for those counties that I visited in person. In many instances my letters were either unanswered, or the asked-for information was not given.—Much of this difficulty could have been obviated if the law had been passed earlier in the session, and will not exist in future. Commissioners have been appointed in all the counties of the State, with the exception of ten, most of which I had intended to visit, but was prevented from doing so by sickness—these will be appointed in the course of a few days. The correspondence of the Superintendent has been very burdensome in answering letters of inquiry with regard to different points involved in the law. It soon became evident to my mind, that there was need for a public sentiment *to be created*, in order for the success of the system. The subject is new to the people of Kentucky. They need to be informed as to their nature and advantages; and I became perfectly convinced that the great work before me was to direct all my efforts to the formation of a correct public sentiment upon this subject. It is too often taken for granted that the general benefit of education is sufficiently appreciated; if it were, we should not hear it so frequently stated that a Common School system is impracticable in our State. The great defect, and that which alone can make it impracticable is, that the people do not value education as it deserves. Let a correct public sentiment prevail upon this subject and it will break down every barrier, and dig out a channel for itself. Entertaining this opinion, I determined to spend some three or four months in visiting different parts of the State, to address the people on the general subject of Common Schools; to explain the law, and to urge its acceptance upon them. This plan was only partially carried out. I have visited about twenty counties, in most of which I made addresses. In October I started upon a tour into the southern part of the State, but was prevented from progressing by ill health. The Superintendent has reason to hope that his labors, though not so great as he had intended, have not been useless—that an impulse has been given to the public mind, in some parts of the country, on the subject of Common Schools, from which valuable effects may be anticipated. Great changes cannot be effected at once. Where the means employed are of a moral kind—calm addresses to the understanding and interests of men—a gradual and steady progress is all that can be expected; and I am confident in the opinion, that the cause has been as well received as its intelligent friends expected—and that it is on the advance in public estimation. In all my travels, I witnessed few indications of hostility to the scheme; the discouraging symptoms were coldness, indifference, and ignorance of the subject, which are as fatal to any great enterprize as open opposition; but all of these may be remedied by constant *agitation* of the subject. I found many persons who were prejudiced against what they *conceived* to be the law; but their prejudice was frequently changed into friendship when they came to understand it.

The counties which have reported to the Superintendent, (according to the provisions of the law,) the number of children between seven and seventeen years, in each district, and the number of districts, are: Bourbon, Lewis, Bracken, Nicholas, Franklin, Green, Rockcastle, Christian, Campbell and Pike. Caldwell, Jefferson and Estill, have partially reported. There are some other counties which have been districted, but have not yet reported. The Superintendent requested that the commissioners, in districting the

counties, would ascertain the number of children between seven and seventeen years which are unable to read. This has not been complied with, except in the county of Rockcastle, and the report from that county states that there are 486 males and 403 females, of which 254 males and 222 females are unable to read—considerably more than half. From other sources of information, I am confident that at least one third of the children of the schooling age in the State are unable to read, and have no means of common school education, and, unless something is done to remedy the evil, the proportion will soon be greater. From the report from Christian, one of the best and most intelligent counties in the State, it appears that not more than half of the children are going to school; and it is not probable that two thirds can read. I have conversed with clerks of counties, lawyers, physicians, preachers, and public men of every description, and they all concur in the opinion, that one third of our white population is entirely uneducated. This is a frightful fact to every reflecting man who loves his country.

The fund set apart to Common Schools is the interest upon \$850,000.—The interest which has already accrued is \$65,978 27. The expenditures of the system amount to \$1,005 25, of which \$750 has been paid to the Superintendent for salary; \$88 75 to Messrs. Brown & Hodges for printing 1000 copies of the law, and 1000 commissions; \$38 to Mr. Todd for stationery, paper for the printing of commissions, and ledger; \$50 for seal and press, and cost of carriage from Cincinnati; and \$67 for postage. This, deducted from \$65,978 27, will leave \$64,973 02. The principle of our system is, that what is appropriated by the Legislature should act as an incentive to the people to tax themselves, as a lever to raise the additional sum required. This sum is hardly sufficient to answer this purpose, with the degree of apathy which prevails at present upon the subject of general education. And I would respectfully suggest to the Legislature the propriety of increasing this fund, by imposing a tax of one third of a mill on the dollar, to be collected in the same way, and at the same time, with the other revenue of the State. By doing this, the bonus offered will be sufficient to act as a strong incentive to district taxation. The cost will be small to the rich, and the benefits will be great to the poor and to the State. Some oppose the present system because it is unequal in its operation, compelling some persons to pay a much greater tax than others of equal wealth who are in more favorable districts. No law can be passed that will bear equally upon all; but I am decidedly of the opinion that it will be more equal and efficient than the present plan. It will be a union of general and district taxation—such a union as our exigencies require. It will extend the system to those counties and districts which are unable to bear the entire burden of supporting their schools. The principal burden will be borne by the districts in which the schools are located; but they will be aided in sustaining their schools by the whole property of the State, which is just and proper, as the whole State participates in the benefits resulting. It should ever be kept in mind, that money raised by law for the support and establishment of schools, is not an addition to the expenditures of the people; but the most economical disbursement of a necessary expenditure—or, as Burke beautifully expresses it, “Taxes for education are like vapors, which rise only to descend again to beautify and fertilize the earth.” I think it would be well to amend the law, so as to add to the permanent fund the interest which has accrued during the last year, except what is needed for necessary expenses. The

permanent fund will then be about \$914,000; the annual interest upon which, at 5 per cent., will be \$45,700. The whole interest of the school fund, (at the expiration of two or three years,) should be paid out, from year to year, to those districts which shall have reported themselves as organized. Until that time, the apportionment of those counties, which neglect to report, should go to increase the permanent fund. This would be a powerful incentive to counties and districts to carry into effect the system.

It is important that some other arrangement than the present should be made, to ascertain the number of children of the schooling age. According to the present plan, the neglect of a few counties to report, hinders the Board of Education from making any apportionment to those districts that do report. Let it be made the duty of the commissioners of tax to ascertain the number of children between seven and seventeen, and report to the Auditor, and then the difficulty will be obviated. The law does not specify the number of months a school is to be taught in a district, to entitle it to its proportion of the public fund. It should require a school to be taught at least four months in the year. It has been suggested that \$1 instead of 50 cents should be the maximum of the poll tax allowed to be levied, annually, by the trustees, on every white male inhabitant over 21 years of age. The reason assigned for this, is to make those who have little or no taxable property, assist in bearing the burden of supporting the schools; and that the poor may feel that their children are not educated by the rich alone, but partly by themselves.

The founding of one or more normal schools for the purpose of training the sons of the soil, for teaching, is a favorite measure with many of the friends of education. The establishment of a school or schools for teachers is certainly a great desideratum. It is the voice of reason and experience that they must exist before education can be performed in the best possible manner, and with the greatest attainable success. In those countries where education has been carried to the greatest perfection, schools for teachers have formed an important feature in their systems, and with the best results. But I deem them impracticable at present with us. The most that we can do is to make some arrangement with the colleges and academies, which already exist in the State, to teach those who wish to prepare themselves for instructors in our Common Schools. The difficulty of obtaining able and efficient commissioners are undoubtedly great, and yet the success of the system depends much upon it. Their work is arduous, and yet no provision is made for their compensation: and the fund is so small that it will not admit of being divided. The only remedy is a right public sentiment; a due appreciation of the necessity and advantages of the system, and the spirit of true patriotism and philanthropy will generously influence men to give a portion of their time and labor to promote the welfare of their country and their kind. It is evident that much depends upon the Superintendent. It is all important to have, in this office, a man of talent, energy and character, and one who will devote his undivided energies to the cause. It should be the duty of the Superintendent to visit every part of the State; to hold conventions of the friends of Common Schools in every county; to arouse and enlighten the public mind; to see, in person, as far as practical, the commissioners, and interest them in the cause. This cannot be done in a single year. No one man can possibly visit all the counties in the State, and spend a sufficient time in each to give an impulse to the cause. Besides

the Superintendent should be at least three months of the year in his office. Much good might unquestionably be done by the publication of a monthly paper, devoted exclusively to the cause of education under his care; in collecting and diffusing information on this subject; in discussing the numerous important questions which belong to it; in forming a sound and intelligent public sentiment, and in exciting a warm and deep interest in favor of Common Schools, it would be an invaluable auxiliary. This plan has been adopted in Ohio, Massachusetts, and several other States, with the happiest effects.

I respectfully suggest to the Legislature, the expediency of raising the salary of the Superintendent to an amount which would secure the undivided and constant attention of a man fit to take charge of so great a work. It is but just to myself to add, that this proposal is made without any selfish consideration, as I design resigning the office in February; and I do so not from a lack of interest in the cause, but because my health will not admit of the labor and fatigue which I should feel myself bound to perform, if I continued in it, and because of other engagements.

The great object of the Common School law is to give to every child in the Commonwealth, a good common school education; to develop the whole intellect of the State. The great principle of the system is that of equality; the rich and the poor are placed upon the same footing; and to receive the same elementary instruction; and *which* is to take the lead in after life is to be decided, not by one's being born to wealth and another to poverty, but by diligence and native force of mind. It is both the duty and the interest of the State to establish and support these institutions. All admit, in theory, their importance; but all do not value them enough to incur the expense necessary to their establishment and perfection—and convictions that do not influence to action are useless. The information which we have obtained, exhibits mournful evidence of the number of children who do not go to school, and cannot read. Through the indifference or inability of parents to educate their children, thousands of the rising generation are growing up in our midst, in utter ignorance; and unless some provision is made for their education, they will be a curse, instead of a blessing, to society. The mental and moral culture of the rising generation is too important to be left to accident or caprice. The State has an interest in every child within her limits; and indifference with regard to the beings upon whom all the interests of society are so soon to devolve, is as criminal as it is impolitic. For who so infatuated as to suppose that we can be a great, a happy, and a powerful State, when one third of the people are ignorant of the letters of the alphabet. The children of those parents who are too poor or neglectful to educate them, are not to blame for their ignorance; and as the State holds them responsible for their offences against her laws, so she should place within their reach a knowledge of her laws. Whether we regard the subject in reference to the interests of individuals, or of the whole people forming the State, it is clear that no portion of the rising generation can be safely abandoned to ignorance.

That the education of all the children of this State, or the provision for their education will cost much—I do not wish to conceal—but it should be obtained at any cost; for no price is enormous which is not out of proportion to the thing purchased. It is not true economy to object to a small expenditure for the present, and thereby incur a much greater expenditure for the

future. Parsimony on this subject is extravagance. Nothing is so wasteful as ignorance; it has impoverished every nation on earth where it has prevailed. The folly of objecting to the expense of education, is as great as that of the farmer who objects to spending his money to buy seed to sow his ground with, and lets it grow up with weeds because it costs less. The elevation of an entire people is beyond all price. Under no arrangement can the people be relieved from bearing the burden of expense: the only question is as to the best method. To provide for the education of all the children in the State, is the most economical expenditure of money that can possibly be made. It is plain that every one who has children to educate will, without this system, pay more for private schools than his tax will be, (if the system is adopted,) even if he belongs to the wealthier class of the community; and all the children of the State will be educated with the money now expended for the education of two thirds of the children of the State. Let it be distinctly remembered, that the tax to be raised for this cause, will not be an addition to the burdens of the people; but an actual and direct diminution. It is an arrangement for paying into the hands of the school collector, instead of the school teacher; and by which all the children of the State are educated, instead of two thirds only—and surely there is no man so selfish as to refuse the crumbs that fall from his table to his perishing neighbors. But we are not left to the deductions of reason on this subject. We have plain, stubborn facts, that speak volumes, and which cannot be denied. In those States which have no system, the price of education is double, or threefold what it is in the States which have a system. In the New England States, New York and Pennsylvania, the average price of tuition is about \$4 per annum per scholar. In Kentucky it is not less than 15 or \$20—four or five times as much. The reason of this difference is not solely because they are free States, whilst ours is a slave State, as is evident from the fact, that in South Carolina, where slavery operates more powerfully than with us, the average price of tuition is \$6 per scholar; less by two thirds than in Kentucky. This was the case ten years ago; I have no recent information on the subject. But we have evidence more satisfactory than this of the economy of a system of education. The experiment has been made where there was no difference of circumstances, and where no foreign influence could operate. In Boston, the expense in the free schools, where instruction extends to all the branches of learning and science, with the benefit of libraries, apparatus, lectures, &c., is \$10 per annum per scholar; while, in their private schools, admitted to be no better, the cost is \$25. And it is said that more great men have been educated in these free schools than in all the colleges of New England. In the city of New York, the cost per annum, in the free schools, is \$6 33 per scholar; in the same class of private schools it is \$25. In Cincinnati the cost in the free schools, which are said to be as good as the private, is \$6 40, while the cost in the private one's from \$16 to \$36 per annum. The average cost of tuition of private schools in the cities and towns of Ohio is about \$25 per annum per scholar. In the country the average cost is about \$16. The average cost of tuition in well conducted free schools for the whole State, including cities and towns, does not exceed \$7 per annum per scholar. Again, in Pennsylvania, before she adopted a system, the cost of teaching each pupil was 82 cents per month; under the system, is 40 cents, less than half. The whole number of children of the schooling age, in the districts that reported, supposed to be 200,000; the whole

number taught before the adoption of the system was 80,000; since its adoption, the number taught in the same district is 182,355. Here we have more than double the number of children educated, at the same time, for the same expense. These facts are sufficient to convince any reasonable man that, by adopting the present system of Common Schools, the burden of those who now educate their children will be diminished; and that the poor and the State at large will be benefitted beyond all computation.

The whole white population of Kentucky, according to the last census, is 600,000. It is supposed that one fourth are of the schooling age, viz: 150,000. Suppose half of these are at school, and that \$16 is the average cost per scholar per annum. According to this calculation there is expended, annually in, Kentucky, for the education of 75,000 children, being one half of those that are of the schooling age, \$1,200,000. Now, if this system is adopted, the cost of tuition will be reduced at least one half—(this has been the universal operation of the system as I have shown)—\$8 instead of \$16 will be the average price; and with the \$1,200,000 now expended annually for the education of 75,000, can be educated 150,000 children, all in the State of the schooling age; and surely the people of Kentucky, in view of these facts, are not so illiberal, and short sighted, and unaccommodating in their spirit, as to reject the system. Besides, where Common Schools are established, education is not only cheaper and more general, but it is of a higher order. I do not wish to see the remuneration of teachers less; for a shameful parsimony prevails on this subject. Nor would they be remunerated less if this system is carried out—the effect would be to make school teaching a permanent and constant occupation, and to equalize the expenditures among the different classes of the community. The reason why there are so few good teachers is, that there is not a demand for them,—the people do not realize that the wealth, the dignity, the character and the very existence of this nation depends upon the education of the people—and young men of talent and energy will not qualify themselves for the task, when they can be better compensated, both in the way of honor and emolument, by taking care of calves and horses than of children. Let the demand be created, and the supply will soon come. From the influence of intelligence upon the wealth of a State, it is clear, that it is to the interest of the State, in a pecuniary point of view, to carry into effect this system. It is now a settled axiom that intelligence and wealth stand to each other as cause and effect; and that the best possible way to increase the wealth of a State, is to promote directly the intelligence of the people. Ignorance keeps inactive the mind, which is the productive agent of a community, and leads inevitably to poverty; intelligence keeps it employed, and as certainly leads to wealth. Take the map of the world and you will find, that, in proportion as States are enlightened, (*ceteris paribus*.) they are wealthy. We may compare for example England with France, and France with Spain or Portugal. Spain was once the rival of England and France; now she is the meanest of kingdoms—she neglected the education of her people, and she has paid the forfeit. How much more economical to have provided the means of enlightening the minds of her people, than to be engaged in working her mines of silver and gold and intestine wars. Ignorance cannot be made available even by the arm of a despot; and the monarchs of Europe now understand it.

In proof of the gain of intelligence to a State, I will refer you to the relative productiveness of English over French labor. England, with a less territory, smaller population, and less genial climate, has double the wealth

of France. For this she undoubtedly is indebted to her superiority in intelligence, enabling her to employ a larger proportion of the minds of the State in producing. And it is to the same cause that New England is indebted for the productiveness of her labor. With a barren soil, and an ungenial climate, her labor is much more productive than Southern labor, with all their advantages of soil and climate. The exports of Massachusetts alone amounts to \$1,000,000 per annum. Mr. Webster, in a late speech, attributes this to their Common Schools; in fact there is no diversity of opinion upon this subject, in all those States. Who can estimate the amount saved to the United States, annually, by the inventions and improvements of labor saving, or, as Mr. Webster properly styles them, labor doing machines. Or who can anticipate the value of the discoveries and inventions which the general education of the people would produce? The very elements are in the hands of educated man, and work for him in proportion to his knowledge.

In further illustration of this subject, compare the same countries with themselves at different periods of their history. Egypt, for example—what was she, when she was the seat of letters? She contained a population of 20,000,000 upon a small territory. She was a great, a powerful, and a wealthy kingdom—and what is she now? The basest of kingdoms. And Italy—what was she, when she was the land of science?—and what is she now? You may extend these comparisons as far as you please, and you will find that it is not only a general fact, but that the ratio is preserved with mathematical exactness, that those nations where the people have been best educated, have also been most remarkable for the wisdom of their laws, and the prosperity and wealth of their citizens. The money expended for the education of the people would add more to the wealth of the State, than the same amount expended in any other way. By educating all the minds in the State, in a few years an amount of talent, of industry and enterprise, would be called forth, that would repay one hundred fold for all the money expended. The establishment of Common Schools will multiply the number of our valuable citizens, and of our wise legislators and rulers; will develop the whole mind of the State, and enable us to keep our present exalted stand in the councils of the nation. There is another view which shows that it is not only the most benevolent plan, but the most economical to educate all the children in the State. It has been ascertained that those States which have neglected to educate their children, expend more for the punishment of criminals and the support of paupers, than would be sufficient to avert these evils by educating all their youth. "Education is the cheap support of a nation." The price which an ignorant nation has to pay for the repression and punishment of crime, the maintenance of tranquility, and the support of pauperism, is enormous. Jails, prisons, constables and police officers, and courts of criminal judicature, cost more than school houses and teachers—and surely the latter is a more agreeable tax to pay. The question to be decided, is not whether the people are to be taxed or not? but for what they shall be taxed? In civil society taxes are inevitable. Shall they be taxed a less sum for the education of all the children in the State, or a greater sum for the support of paupers and the punishment of criminals, is the point to be decided? Ireland pays a greater tax to maintain tranquility and to support pauperism, than Scotland pays for the education of all her children, and for all the expenses of government. The

scenes that are yearly occurring in Ireland, could not take place in Scotland. The whole world would be filled with astonishment if they did. And why? Because they are known to be an enlightened people. England expends more in prisons and constables for the regulation of that portion of her population, for which the government provides no schools, than Prussia pays to support all her schools. The expense of transportation in Great Britain for ten years, ending in 1837, was more than £8,000,000. The expenditures for New South Wales, and Van Diemon's land alone, in 1836-'7 was £490,000. This is a heavy penalty for the neglect of education; and especially when we take into the count the amount that these criminals might have added, by their labor and industry, to the wealth of the country. There is less paid in Prussia, Scotland, and in the New England States, for the support of pauperism and the punishment of crime, than in any other countries on earth, containing an equal amount of population; and they are the best educated States in the world. Both in France and England education has been resorted to for the purpose of suppressing crime. It is the universal testimony of those who have examined the subject, that it purifies the morals and lessens crime. It is *important* to every State to provide for the education of her children—in a government like ours, it is *indispensable*. Our institutions are neither designed nor fitted for ignorant men. They assume that men are virtuous and intelligent. The right of suffrage is as extensive as possible; and every voter should be able to read the laws of God, and the constitution of his country. Republican institutions can no more exist without the diffusion of knowledge and virtue, than animal life without air. Ask not then how much it will cost to educate the people; it must be done, at any cost, or the downfall of our republic is sure. Ignorance has destroyed all other republics, let us not split on the same rock. The State owes it to itself, to secure that basis of knowledge and morality which is indispensable to its own security. This cannot be done without a system of education. No nation or State have ever educated its people without a system; and that we are not doing it, is evident from the most satisfactory testimony. Common Schools, says Governor Everett, "are the basis of every wise system of popular education." But there are some who admit all this; nevertheless hold that a system of Common Schools is impracticable with us. The reasons assigned for this opinion, are the sparseness of our population, and the existence of slavery. Both of which, I admit, are obstacles, but far from being insuperable. That the sparseness of the population is not, is evident, if we refer for a moment to our statistics. Kentucky covers an area of 40,500 square miles, and contains near 600,000 white people—150,000 of which are of the schooling age. A school advantageously situated in a district of 16 square miles, would be convenient to all within its limits.—Such a district would contain 240 whites, 60 of which would be of the proper age to receive instruction. A large majority of our population might have permanent schools conveniently accessible to their dwellings. Nor is there any thing in the existence of slavery fatal to the success of the system. There are but two ways in which slavery can act against the system. First, by making the population to be educated less—too sparse for the establishment of schools, which I have shown not to be the case with us. And, secondly, by fostering a spirit of pride, which makes rich men, and the masters of many servants, unwilling to place their children on a level with the children of the poor, and to submit to those neighborhood

regulations which are involved in the system. This whole argument applies, with all its force, against republicanism, and in favor of an aristocratic form of government; and if true, shows that slavery should be abolished, and not the Common Schools should be given up. But I do not believe that the inequality of wealth, and the pride of mastery, exist to such a degree with us, as to hinder the success of the system. There is no slave State in the Union where it is so mild and contracted in its influence as in Kentucky. The experiment has not been fairly tried in any of the slave States. Virginia adopted a system of poor schools, but not of Common Schools; and it was a failure as was foreseen by her wisest statesmen. South Carolina adopted a system of public instruction, different from ours, and from those of the other States which have engaged in this work; and, so far as I know, it has been successful in its operation. It was so, according to the last information which I have on the subject. It had cheapened the price of education—reduced it to \$6 per scholar per annum—and had extended it to thousands of children which otherwise would have grown up in ignorance. This proves that slavery is not an insuperable barrier in Kentucky; for the unfavorable influences referred to, exist in their widest extent in South Carolina.

Again, there are some who are opposed to the intervention of government in education, and who hold that it should be left entirely to the direction of individuals, and that the Legislature should abstain from any care or superintendency over it. That this is an erroneous view, is evident upon the slightest reflection upon the objects of government. The alleged object of all governments is to promote the general happiness, or the public weal—to take care of the best interests of the community. They are the guardians or representatives of the people, and are bound to do all just and lawful things to promote their wealth, happiness, and character. That the establishment of Common Schools would most effectually answer these ends, I have endeavored to show; and therefore should be patronized by the State. In this opinion, I am supported by the wisest and best men in every age and country. Socrates, Plato, and Aristotle, the three most distinguished philosophers of ancient Greece, expressed the sentiment, that one great object of legislation should be, the education of the people. Among the moderns, the authorities are so numerous that but a few can be mentioned.—Lock, Milton, Lord Kames, and Blair, all reckon education as one of the capital articles of government; and as entitled to the nursing care of the Legislature: for no State says, Lord Kames ever long flourished where education was neglected. And Dr. Paly says, “That to send an uneducated child into the world, is injurious to the rest of mankind; it is little better than to turn a mad dog, or wild beast, into the street; it is to defraud the community of a benefactor, and bequeath them a nuisance.” Washington, in his farewell address to the nation, says: “Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.” O that this sentiment was deeply rooted in the mind of every freeman!! John Adams says, “The wisdom of the Legislature in making liberal appropriations for the benefit of schools, is a portent of great and lasting good.” Mr. Jefferson says, “I look to the diffusion of light and education as the resources *most to be relied on* for ameliorating the condition, promoting the virtue, and advancing the happiness of man. A system of general instruction which shall reach every description

of our citizens, from the richest to the poorest, as it was the earliest, so it shall be the latest, of all the public concerns in which I shall permit myself to take an interest." Mr. Madison says, "Learned institutions ought to be the favorite objects with every free people; they afford the best security against crafty and dangerous encroachments on the public liberty; they multiply the educated individuals from among whom the people may elect a due portion of their public agents." Mr. Monroe, says, "Let us, by all wise and constitutional means, promote intelligence among the people as the *best* means of preserving our liberties." Chief Justice Marshall says, "I cannot be more perfectly convinced than I am, that virtue and intelligence are the basis of our independence, and the conservative principles of national and individual happiness." Benjamin Rush, one of the venerable signers of the declaration of independence, thus strongly expresses himself on this subject: "There is *but one method* of preventing crime and of rendering a *republican form of government durable*, and that is by disseminating the seeds of virtue and knowledge, through every part of the State, by means of education; and this can be done effectually *only by the interference and the aid of the Legislature*. I am so deeply impressed with this opinion, that were this the last evening of my life, my parting advice to the guardians of the liberties of my country would be, establish and support public schools in every part of the State." And, De Witt Clinton, the founder of the great system of Internal Improvements, says: "The *first* duty of Government, and the surest evidence of good government, is the encouragement of education.—I consider the system of our Common Schools as the palladium of our freedom, for no reasonable apprehension can be entertained of its subversion, as long as the great body of the people are enlightened by education. I cannot recommend, in terms too strong and impressive, as munificent appropriations as the faculties of the State will authorize, for all establishments connected with the interests of education." These are the most venerable names in American history. It is not possible to cite higher authorities—and they all speak one language—surely theirs are the words of wisdom and of truth—surely a State should pause before it rejects the counsels of such men. I might add other names, but I forbear. Patriots and statesmen, the most distinguished in our land, bear undivided testimony in support of Common Schools. The Congress of the United States, have shown by their acts, that they consider the education of the people to be a matter of primary importance, by setting apart every 16th section of land, forever, for the support of colleges and schools, in all the new States formed out of the public domain. Most of the States of this Union, and those most distinguished for the wisdom of their legislation, are devoting their mighty energies to this noble cause. The New England States, New York, Pennsylvania, Ohio, New Jersey, and Michigan, are taking the lead. Their motto is, first educate the people, and all else that is wise and proper will be more easy of accomplishment; and when we look at the old world, we are amazed at what we behold—the sovereigns of Europe, making the education of their people the prominent object of legislation and governmental supervision. The Emperor of Prussia first commenced and established the best and most complete system of education the world has ever witnessed.—When Frederick William III ascended the throne, in 1797, Prussia was not ahead of many other nations in her system of education; but, by steady, persevering effort he, has blessed the earth with a matchless system: en-

throned himself in the hearts of his people, and become the admiration of the world. Whether it was to attach the people to his government, by making it indeed a nursing mother, or because he became convinced that an ignorant community are unavailable for every useful and noble purpose, and contains within itself the elements of destruction—a lesson that might easily be learned from the French revolution, and from the present state of Spain and Portugal, or whether it was disinterested philanthropy or all of these causes combined—certain it is, he has been a benefactor to his race, and his name will be mentioned in future ages with enthusiastic admiration, while others, who have become renowned by oppression and bloodshed, will be mentioned only to be execrated.

The emperors of Russia and Austria, observing the wonderful change wrought in Prussia, have adopted the same policy, and are now emulating the Prussian king, in providing a complete system of instruction for their whole people. The edict of that mighty autocrat, Nicholas of Russia, has gone forth, that every child in his immense dominions, extending from Poland to Siberia and from the White Sea to the regions beyond the Caucasus, shall be educated, as fast as the teachers can be obtained; and he is spending vast sums, and sparing no pains, for its speedy accomplishment. Nor is this spirit confined to these mighty empires; there is hardly a nation on the continent that is not awake to the subject of universal education, and beginning to walk in the footsteps of these great states. Even the Sultan of Turkey, and the Pacha of Egypt, are beginning to want teachers for their degraded people. France has determined to establish elementary schools in every section of the country. Lord Brougham has introduced a bill into Parliament for the establishment of schools in England; and meetings are being held throughout the whole country for the purpose of agitating the subject. The whole civilized world seems to have been aroused from its slumbers, and are combining in one mighty effort to spread light and knowledge among the people; and sad indeed will be the condition of that State that stands still and leaves the education of its people to chance or caprice. Shall we, whose very government rests upon the pillars of virtue and knowledge, do nothing to give education to those who are so soon to take charge of all its interests, while the monarchies of the old world are making it the paramount object of legislation? Shall our own glorious republic be outdone by kings in this noble work? Let us lay broad and deep the foundation of our government, that the superstructure may stand firm, when the elements of party spirit and sectional jealousy shall rage in the land. Let the mind of the country be enlightened, and the Union *will* be preserved, and the gallant vessel of State, freighted with all our interests and the hopes of the world, will make her way through the rocks and the quicksands which have proved fatal to other republics. There is a spirit of agrarianism abroad in this land, on the one side, and a spirit of aristocracy, on the other, which threatens devastation and destruction to the country. The only power than can keep in check these fearful elements, and say to them thus far shalt thou go and no farther, is the general education of the people. It is vain to enact laws, and build jails, and prisons, if the people be ignorant; you cannot purify the streams, while the fountain is polluted; man needs knowledge to govern his appetites and control his passions. I feel proud, when I look over this great State, and see the roads that are making, and the rivers that are being opened, bringing us into contact with other States, and affording facilities

for importation and exportation; but if we leave our people in ignorance, we are only exposing our nakedness and degradation to the scorn and commiseration of visitors from all countries under the face of Heaven. The people of Kentucky are a proud and high minded people, and will not long suffer it. The Common School System has the principle of vitality in it—it must succeed. It is perfectly adapted to the genius of our government and institutions. It is left in the hands of the people. The majority of the voters in each district decide whether they will accept the system—what amount of money shall be raised to support the school—elect their own officers, and have power to make the schools just what they please. Nothing can be more democratic. Perseverance will ultimately cause the system to triumph. Nor ought we to be discouraged, should the people be slow in adopting it. It was so in other States. In Pennsylvania it was rejected at first by a vote of the people—now it is their idol. In despotic governments, all great enterprises can go forward without delay; but in a free government like ours, it requires time for public sentiment to be enlightened and concentrated; but when accomplished, it is stronger than the arm of any despot. The motives to move forward in this cause are too potent—the chords to be touched are too tender, to admit of fears of failure. Parental affection, patriotism, duty, pride, benevolence, and interest, are the tribunals to be addressed, and the voice of reason, of humanity, of patriotism, of conscience, and of interest, will not long be uttered in vain. Kentucky has too much generous pride to be considered the Bœtia of this new world—too much patriotism to see the institutions that were reared by the labor and toil, and bought with the price of the richest blood of her fathers, totter and fall—too much humanity to see more than one third of her citizens growing up in ignorance—too much sound, sterling, common sense, to see one third of the productive capital of the State unemployed—to pay an enormous tax to support aged paupers and criminals, when by paying an inconsiderable sum to educate all the children of the State these evils could, in a great measure, be avoided. That there are difficulties in the way, I do not wish to conceal; it is too glorious and great a work to be without them; but these difficulties *can* be overcome, and are not comparable to the difficulties which our fathers had to contend with, in making us a free and independent people, or to the difficulties of the early settlers of our State in felling the forest and driving out the Indian. What great work was ever achieved without difficulties? Can the internal improvements of the country go on without them? Are there not rivers to be spanned and mountains to be cut down or cut through, before our railroads and turnpikes can be constructed? And are not locks and dams to be made before our noble rivers can be made a perpetual highway? And yet should these noble works cease because of the difficulties in the way of their completion? It is humiliating to hear the descendants of the hunters and pioneers of Kentucky, (after admitting the desirableness of education, yea, its necessity, for the preservation of our institutions,) say there are difficulties in the way, and it *can't* be done. It *can* be done, because it ought to be done. All that is wanting, is a proper appreciation of universal education, and an accommodating, conciliatory spirit, and the work is done; and without these our institutions can't last, and we are a ruined people. Let the idea become rooted and grounded in the minds of our citizens that there is no other way of rendering a republican government durable, but by educating the people, and the language of Jefferson will be

the language of every patriot, "Give it to us in any shape, and receive for the inestimable boon, the thanks of the young, and the blessing of the old." Guardians of the public weal, I appeal to you with confidence in behalf of what I conceive to be the vital interests of our common country. Her prosperity, I know you cherish with all the pride and ardor of patriotic feeling, and let it never be forgotten that all her prosperity is suspended on the virtue and intelligence of her children; that these are her strongest bulwarks, compared with which her ocean ramparts, and the thunders of her navy, and her chivalrous soldiery, are nothing.

Respectfully submitted.

J. J. BULLOCK, *P. B. E.*

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE

LEXINGTON AND OHIO RAIL ROAD COMPANY.

The President and Directors of the Lexington and Ohio Railroad Company submit to the Board of Internal Improvement for the State of Kentucky the following statement of the transactions of the Company, since the 12th day of January 1838, to-wit:

They submit a copy of the cash account, or balance sheet, as made out by the late Treasurer of said Company to that day, as showing the amount of money received and paid out to that period, which is marked A, and referred to as part hereof.

By a law of the last session of the General Assembly, the number of Directors were reduced to five, and on the 12th day of December 1837, an election was had under said law, and the President and Directors, so elected, continued to run cars on the road from Lexington to Frankfort up to, and including, the 18th day of January 1838; during which time, they re-

ceived for passengers, freight, sundry debts collected, which were due the Company, including \$291 90 cash, on hand on said 12th day of December 1837, and \$200 borrowed by the late Treasurer for the use of the Company, the sum of \$2,960 38 cents; and paid out, during the same period, for the expenses of running the road, &c. the sum of \$2,956 05 cents, leaving a balance on hand of \$4 33 cents, agreeably to the account herewith submitted, marked B, and referred to as part hereof.

Immediately upon their coming into office, they reduced the expenses of running the road as far as it was practicable to do so; and having, in their judgment, satisfied themselves that the road did not pay the expenses of running it, and in all probability would not do so thereafter; and believing it to be their duty, as faithful agents, to continue running the cars on said road to accommodate the traveling public, in the best possible manner, and at the same time not to loose, but make as much as practicable for the stockholders, and thereby enable the Company to pay the interest on the \$150,000 borrowed by the Company, on the guarantee of the State of Kentucky, for the purpose of completing that portion of the road from Lexington to Frankfort, and save the State from the payment thereof, and prevent a forfeiture of the mortgage given by the Company to the State for the purpose of indemnifying it against all loss on account of the said guarantee, they leased out the road, cars, &c. to Philip Swigert & Co., for a period of four years from the said 18th day of January 1838, as expressed in the lease therefor, a copy of which, marked C, is herewith submitted and referred to as part hereof.

They, also, sold to said Swigert & Co. the horses, &c. mentioned in said lease, and the account endorsed thereon, for the sum of \$5,222, at four, eight and twelve months; the two first notes were discounted at bank for the benefit of said Company, and have been paid; and the other note has been discounted at the Louisville Savings Institution for the benefit of said Company, and, no doubt it will be paid at maturity, the net proceeds of said three notes being \$5,096 87 cents; and they have received from the Lessees, under said lease, up to the first day of November 1838, the sum of \$4,998 48 cents, which, together with the receipts from the Portland division of said road, and other means of the Company, has enabled the President and Directors to pay the interest on said \$150,000 to this time, and prevent a forfeiture of said mortgage; which interest, with the exchange thereon, amounts to the sum of \$9,339 60 cents.

They believe the Lessees have kept the road in good order and repair, and in other respects have acted fairly and faithfully towards the Company.

They received, in cash, from the late Treasurer, in addition to the small sum of \$4 33 aforesaid, the sum of \$5,232 01, in the Branch Bank of Kentucky at Frankfort, and the sum of \$919 28 in the Bank of Kentucky at Louisville, making in all the sum of \$6,155 62; and, also, from the Commonwealth of Kentucky the sum of \$60,000, the balance due on her two thousand shares of stock; and from the city of Louisville the sum of \$30,000, the balance due on her two thousand shares of stock.

They have collected, of the outstanding debts for freight, and lots in the town of Midway, Lands, Horses, &c. sold, belonging to the Company, the sum of \$7,170 80; and not being able to obtain money as fast as it was required for the use of the Company, the President and Directors determined to borrow from the Banks, as much as was necessary for immediate use, and accordingly they did borrow from the Bank of Kentucky, on the note

of the Company, \$2,500; also, \$500, on the note of the President, from the same Bank; also, \$1,700, on the note of the Company, from the Louisville Savings Institution; and, also, \$600, from an individual, on the note of the President; all which notes are paid except \$1,250 of the first named note, and there was \$10 50 cents of interest paid on said note of \$600.

The President and Directors, on examining into the affairs of the Company, ascertained that the contracts in progress, and the debts against it, on account of work done, and to be done, by the contractors under said contracts, would exceed their means more than \$166,950; and seeing no reasonable prospect of procuring the money to meet the liabilities, as they would accrue, and believing, that if the money should be procured, that the work under contract, could be re-let to advantage, they determined to settle with and pay off the contractors, and procure from them a release of their contracts, as far as practicable, and in pursuance of that determination, they have settled with all the contractors on the third division of said road commencing at Frankfort, (except Stoughton & Le Barron, and William Le Barron, the contractors for the masonry and wood superstructure, &c. of the bridge across the Kentucky river at Frankfort, on said road,) obtained releases of their contracts, and paid them off, amounting to the sum of \$46,319 40 cents, and had to pay them, in addition thereto, the sum of \$3,469 71, for damages, which, in the opinion of the President and Directors, was not more than one fifth of what might have been recovered of the Company by law suits for failing to comply with said contracts by the Company.

The bridge, aforesaid, was estimated to cost \$53,574, for which the previous Board of Directors had paid the sum of \$13,547 15; and there was due for work, actually done, towards the completion of the masonry, the sum of \$6,902 70; and the wood work was nearly all prepared, and a part thereof was on the ground; and to have stopped it, would have cost the Company, in loss and damages, a sum nearly, or quite, equal to the cost of finishing it; they therefore determined to carry on and complete the work, if possible; and it is still progressing; and they have paid therefor the sum of \$17,380 60, and have procured the city of Louisville to guarantee \$30,000 of the bonds of the Company, agreeably to the provisions of an act of the last General Assembly of Kentucky, passed for that purpose, and have borrowed \$10,000 from the Northern Bank of Kentucky, for a period of five years, on the notes of the Company, renewable every six months; the bond of the Company, with the guarantee of the city of Louisville at thirty years, being left as collateral security therefor: and the Bank of Kentucky, and the Bank of Louisville, have agreed to loan a like sum of \$10,000, each on the same terms; and the Company have given a mortgage to the city of Louisville to secure her for said guarantee, as authorized by said act of Assembly, for the purpose of completing the bridge. The plan thereof has been changed, in consequence of which it will cost something more than the estimate. The change was made by the advice of the Chief Engineer of the State, under whose charge said work was placed, by your order, on the application of the President and Directors of said Company. The change was considered necessary, and highly advantageous to the interest of the Company. The length thereof is shortened, and the pier in the river dispensed with, which, if it had remained, must, in all time to come, have been injurious to the navigation of said river.

They have, also, settled with and paid the contractors on the first division of said road, commencing at Louisville, the sum of \$20,075 22 cents, and obtained releases from them of their contracts, except Joseph McDonald, Stewart & Carmichael and James Price's estate, to whom the Company are yet indebted about the sum of \$4,827 82 cents. McDonald claimed no damages, neither was he entitled to any; and Price's contract was forfeited by his death; and they had to pay one of the contractors the sum of \$258 77 cents, for damages.

They determined to finish the Portland division of said road, and put it into operation, if possible; and they have completed the same, from sixth street in the city of Louisville, to a point near water street in the town of Portland, on the Ohio river; and have paid to the contractor the sum of \$20,065 75 cents, leaving the sum of \$1,164 43 cents still due therefor.

They have purchased a house and lot on the north side of Main, corner of Sixth street Louisville, containing fifty five feet front on Main by one hundred feet deep on Sixth street, for a depot, at the price of \$12,000, and paid \$6,000 on account thereof, and executed the note of the Company for \$6,000 payable on the 13th day of March 1839; and they have altered and improved the premises to suit the conveniences of the Company at a cost of about \$2,500, and have paid on account thereof, the sum of \$1,366 34 cents, leaving about the sum of \$1,133 66 cents still due therefor.

No ground having been procured for a depot in Portland, nor the right of way to connect said road with the Ohio river at that point, and the road having been located and graded to water street in said town of Portland, and a portion of the wooden sills, ties, &c. laid down by and before the 12th of December 1837, the present Board had great difficulty in procuring a place for either; but they were ultimately able to purchase a slip of ground between said water street and the Ohio river, fronting thereon 315 feet, for which they had to give \$12,600, and paid \$3,000 on account thereof, and gave the notes of the Company for the residue, payable in one and two years from the 5th day of June 1838, with interest thereon from the date till paid, which will give a good landing, and fine water at all seasons of the year for steam boats, &c., but they have not improved the same, for the want of the funds to do so.

For the purpose of using the Portland division of said road, the President and Directors have brought, from Lexington to Louisville, the two locomotive steam cars and tenders, six passenger cars, two baggage cars, twelve burthen cars, two old repair cars, and some extra wheels, which cost the sum of \$792 19 cents, which has been paid; and they commenced running said cars upon said road on the 29th day of April 1838, both with steam and horse power, and continued to run in that way until the 21st day of May 1838, when, by the permission of the Mayor and Council of the city of Louisville, granted on the petition of sundry citizens of said city, and not on the application of the President and Directors of said Company, they run by steam alone; and so continued until the 6th day of November 1838, when, by an order of the Chancellor of the Louisville Chancery Court, the Company were enjoined from using said road, by running their cars thereon by steam, or otherwise, from Sixth to Thirteenth streets, in Louisville; and, owing to the great distance of that point from the business part of Louisville, they could not do as much business as would pay the daily expenses, and they have been compelled to stop the whole business of the road in consequence thereof.

The time they run the road, was twenty seven weeks and three days, during which time they carried 93,249 passengers, and received \$11,656 17½ cents therefor, making an average gross receipt of \$425 25 cents per week; their expenses were about \$202 30 cents per week; their clear profits were about \$229 42 cents per week; they have paid \$5,337 10 cents of said expenses, and the balance will be paid when called for.

They have not carried any freight on said road, for the want of a proper connection with the Ohio River Wharfs, &c.

There has been a large quantity of wooden sills and ties delivered on the first division of said road, commencing at Louisville and extending about 17½ miles towards Frankfort; also, a few sills delivered on the third division of said road, near to Frankfort; and, also, a large quantity of sills and ties on the road between Frankfort and Lexington, nearly all of which are paid for, and all subject to decay and loss.

There is, also, a large quantity of rock, broke and ready for use, on the first division of said road, for which there is a balance owing of about \$2,833 75 cents, this being part of the balance herein reported as due on that part of said road; and it will not require more than about \$28,200 to complete the whole grade on that division, and about \$138,500 to complete the grade on the third division of said road, being about eight miles up Benson creek.

The bridge across Beargrass creek, on the first division of said road, is completed, and cost the sum of \$27,700 68 cents, which has been paid, and it will take about \$100 more to make the fills at the ends thereof.

The machine shop in the city of Lexington is still carried on, and there has been three hands employed therein, a part of the time, and two at this time; who, besides having finished for the Company a large new passenger car, and some open burthen cars and such other work as was required by the Company, have done the repairs for Philip Swigert & Co., for which they were to pay; and it was thought necessary and proper to keep hands in the shop to take care of the establishment, engine, fixtures, &c. and to prevent injury or loss to the Company; the expenses, &c. of said hands and shop have been paid up to the 2d day of October 1838, amounting to \$987 74 cents, and said Swigert & Co. have paid for repairs, &c. to the same time, the sum of \$1,098 12 cents.

The President and Directors discontinued the Treasurer on the 18th of January 1838, and since that time the President has discharged his duties, and one of the Directors has acted as Secretary.

They have paid sundry debts against the Company to others than the contractors on the road, and they have received, from all sources, since the 12th of December 1837, the sum of \$140,512 08½ cents, and have paid, during the same period, the sum of \$140,311 03¼ cents.

The total amount of work on the road from Frankfort to Louisville, including the Portland division and bridge across the Kentucky river, amounts to \$273,480 07 cents, and the total amount paid by the former Board of Directors previous to the 12th of December 1837, amounts to the sum of \$167,081 20 cents, and the present Board have paid the sum of \$96,250 45 cents, and the residue remains unpaid.

The debts due by the Company, as far as they are known, amount to about \$42,404 49 cents, to which must be added the \$30,000 guaranteed by the city of Louisville. The debts due the said Company, as far as they

are known to the Board, amount to the sum of about \$3,939 50, about one half of which, in all probability, will never be collected.

The President and Directors laid the law, passed at the last session of the Legislature of Kentucky, authorizing the Company to borrow money for the completion of the road, before the stockholders at their annual meeting on the 21st of May 1838, and the provisions thereof were accepted and agreed to by a majority of them, as required by said law; and the city of Louisville, by the constituted authorities thereof, having agreed to guarantee the bonds of the Company agreeably to the provisions of said law, the President and Directors empowered John W. Hunt and James Guthrie, Esquires, to negotiate the loan; they visited the eastern cities for that purpose, but were unable to make a satisfactory negotiation; they ascertained that all large loans, negotiated in the United States, were made for the European market, and that no bonds except State bonds would sell in that market, without a ruinous sacrifice.

The real estate belonging to the Company in Louisville and Portland, cost the sum of \$36,513 63 cents, and is fully worth that sum; and it is believed that the bridge across the Kentucky river at Frankfort, when completed, will pay the interest on the money borrowed from the Banks to complete it, by the tolls authorized to be received.

The road from Lexington to Frankfort has not yielded a sum equal to the interest on the \$150,000 borrowed to complete it, for which the State is guarantor; and since the Company are enjoined from the beneficial use of the Portland division of said road, they have no income adequate to the payment of the interest on said debt, and no means applicable to the payment of the outstanding debts against the Company.

The President and Directors made application to the stockholders to refund the dividends, received by them in accordance with the decision of the referees, but they have nearly all declined paying the amounts, under an alledged opinion that, by the award, they were not liable to refund only from future dividends; they have received from the State of Kentucky, the city of Louisville, the stockholders in Frankfort, and some three or four in Lexington, the sum of \$1,844 80 cents, and there remains due from the other stockholders, under that award, the sum of \$32,955 20 cents, which, if paid, would, to that extent, relieve the Company from debt.

They will be compelled, if no other provision is made, to sell the timber and rock procured for making and repairing the road, for the purpose of paying the debts against the Company, and this must be done at a ruinous sacrifice.

They believe, and are advised that the injunction, restraining them from the use of the Portland division of said road, cannot be sustained; but it will work a great damage and loss to the Company, until the final decision in the Court of Appeals.

All of which is respectfully submitted, by order of the Board—

LEVI TYLER, *President of the Lexington and
Ohio Railroad Company.*

November 24th 1838.

EXHIBIT A.

Balance sheet of the Lexington and Ohio Railroad Company, January 12th, 1838.

	DR.
To Benjamin Taylor, stock account,	\$ 2,082 62
To Harrison Blanton, stock account,	406 00
To Abraham S. Drake, stock account,	82 00
To City of Louisville, stock account,	29,200 00
To Commonwealth of Kentucky, stock account,	59,600 02
To Land account,	29,975 71
To P. Hallinan, contractor,	336 00
To James Shannon, or Thomas Smith, Esq.	82 00
To H. Blanton,	1,071 50
To William Graham, contractor,	396 21
To J. P. Young & Co., contractors,	11,650 75
To William Burlee, contractor,	3,179 62
To R. C. Hord, contractor,	1,666 66
To Hugh Shannon & Co., contractors,	706 25
To James Fitzpatrick, contractor,	3,909 44
To Levi Hobert, contractor,	7,050 23
To Joseph Crannell, contractor,	700 00
To William W. Stewart, contractor,	733 03
To John Hulme, contractor,	265 90
To William Le Barron, contractor,	6,930 00
To J. McDonald, contractor,	985 00
To Burton Hazen, contractor,	3,330 36
To William S. Church, contractor,	300 00
To L. B. Stoughton, contractor,	3,000 00
To John Gibson, contractor,	660 80
To Hamilton & Gibson, contractors,	4,702 92
To Stewart & Carmichael, contractors,	5,675 90
To William Bannon, contractor,	2,334 70
To John M. Patton & Co., contractors,	9,045 00
To Daniel Dougherty, contractor,	1,642 77
To Robert Miller, contractor,	589 86
To E. Carmichael, contractor,	58 47
To Nicholas Haney, contractor,	657 66
To Michael Staunton, contractor,	634 40
To Owen Carroll, contractor,	4,240 83
To Thomas Lawler, contractor,	4,262 53
To James Price, contractor,	10,695 22
To J. K. Morehead & Co., contractors,	18,427 55
To James Pace, contractor,	633 00
To P. McGinley & Co., contractors,	21,042 71

Amount carried forward,

\$252,943 56

Amount brought forward,	\$252,943 56
To Stoughton & Le Barron, contractors,	2,159 47
To Duff & Burlee, contractors,	12,710 00
To E. P. Shannon, contractor,	10,176 66
To James Carothers, contractor,	1,750 00
To John Corboy, contractor,	4,681 24
To Extra expense account,	18,154 12
To Building account,	12,925 47
To Branch Bank of Kentucky at Frankfort,	5,232 01
To Bank of Kentucky, Louisville,	1,387 37
To Charles B. Lewis,	1,085 34
To Bills receivable,	5,191 28
To Machine shop,	31,723 47
To Division No. 2,	364,510 55
To McNair & Weaver,	26 70
To Wood cars,	1,250 00
To Stock cars \$600. Burden cars \$6,350,	6,950 00
To Passage cars \$3,700. Baggage cars \$600,	4,300 00
To Repairs of road,	31,088 26
To Interest account,	32,352 28
To Engineering account,	43,360 50
To Horse account,	6,043 61
To Machinery account,	23,403 39
To Wood superstructure,	21,890 43
To Office expenses,	16,602 24
To Mathematical instruments,	1,173 49
To Repair cars,	500 00
To P. Dudley & Co.,	256 79
To Joseph Ficklin,	12 73
To Engine machinery,	15,451 86
To Damage account,	27,417 16
To Construction account,	486 44
To Custom House duties,	2,362 30
To Robert Tyler,	1,999 96
To Iron rails account, \$1,663 55. Milus W. Dickey, \$1 25,	1,664 80
To Andrew Jackson, 25 cents. E. M. Blackburn, \$250 00,	250 25
To Iron spikes account,	962 56
To James Hamilton,	306 95
To Cash account,	101 94

\$964,485 18

CR.

By Stock account,	\$748,100 00
By John Boyle,	40 00
By Rolla Blue,	1 80
By Elisha Warfield, Jr.	14 40

Amount carried forward, \$748,156 20

Amount brought forward,	\$748,156 20
By E. Morrison,	60 00
By J. Putnam,	40 00
By Andrew F. Price,	40 00
By John Postlethwait,	108 00
By William Rockhill,	20 00
By William Yardly,	40 00
By Chaloner & Henry,	40 00
By John L. Martin,	20 00
By Thomas T. Skillman,	3 60
By Richeson Morrison,	4 00
By H. S. Elgin, cross ties,	34 10
By Bridgford, Ricketts & Co.,	20 34
By Forfeiture account,	33,677 75
By Henry Burden, iron spikes,	925 00
By Guaranteed bonds,	150,000 00
By Premium account,	5,551 68
By Lexington Insurance Company,	200 00
By Bills payable,	8,145 75
By Midway property,	6,382 05
By Freight and transportation,	3,085 60
By Passenger account,	8,291 11
	<hr/>
	<u>\$964,485 18</u>

A. O. NEWTON, *Treasurer of the Lexington and
Ohio Railroad Company.*

E. E.

EXHIBIT B.

*Cash account of the Lexington and Ohio Railroad Company, since 12th
December 1837.*

1837.	DR.
December 13th, To cash on hand	\$ 291 90
To cash received for passengers from this day, to 14th January inclusive, both days,	1,214 59
To cash received for freight, transportation, and outstanding debts therefor,	200 72
To cash received on account of McNair & Weaver,	285 50
To cash of Thomas E. Boswell, in full of ac- count,	20 18
To cash of Lexington Insurance Company on loan,	200 00
	<hr/>
	<u>\$2,212 89</u>

1837.

CR.

December 13th,	Extra expense account, paid on that account,	\$ 266 76
	A. O. Newton, paid him,	166 66
	McNair & Weaver, paid them on account of money received by us on their account,	636 00
	Freight transportation, paid on account,	58 13
	Charles B. Lewis, paid him at sundry times,	377 70
	Repairs of road, paid hands for December, as per return,	255 42
	Passenger account, paid for sundries,	275 07
	Building account, paid Layton & Co's. bill,	37 25
	Balance,	139 90
		<hr/>
		\$2,212 89
		<hr/>

A. O. NEWTON, *Treasurer.*

1838.

DR.

January 15th,	To Balance cash on hand,	\$ 139 90
	To Freight transportation, received on that account,	218 43
	To Cash received on outstanding accounts,	182 82
	To Machine shop, for cash received on that account,	25 73
	To McNair & Weaver, received for their account,	56 25
	To Passengers, from 15th to 18th January 1838, inclusive, on that account,	124 36
		<hr/>
		\$ 747 49
		<hr/>

1838.

CR.

January 15th,	Passenger account, paid for sundry expenses,	\$139 75
	Charles B. Lewis, paid him on account of expenses,	120 00
	Building account, paid for sundries,	43 68
	Iron spikes account, paid for sundries,	207 37
	Freight transportation, paid on account of expenses,	45 88
	Office expenses, paid on that account,	110 75
	Extra expenses, paid on that account,	53 23
	Repairs of road, paid on that account,	22 50
	Balance,	4 33
		<hr/>
		\$747 49
		<hr/>

1838.

DR.

January 19th, To Balance cash on hand,

\$4 33

1838.

CR.

January 19th, By cash paid Levi Tyler, President, by A. O.
Newton, Treasurer, in full,\$4 33

EXHIBIT C.

Lexington and Ohio Railroad Company, }

To

P. Swigert & Company,

COPY LEASE, &c.

THIS INDENTURE, made this 18th day of January 1838, between the President and Directors of the Lexington and Ohio Railroad Company of the first part, and E. P. Johnson, Jacob Swigert, Philip Swigert, Samuel P. Weisiger and John H. Hanna, by the name and style of Philip Swigert & Co. of the second part: WITNESSETH, that the parties of the first part, for and in consideration of the covenants and agreements hereinafter entered into and stipulated, hath demised, leased and to farm let, to the parties of the second part, the said Lexington and Ohio Railroad from Lexington to Frankfort, the ware-houses, offices, car-houses and stables at Lexington, the head of the plane and Frankfort, and the lands and stables of the party of the first part on the road between Lexington and Frankfort, (except the small house now occupied by N. Alley, at the head of the plane, the unimproved lots at Lexington and Midway, and also, the machine shop, lot, fixtures and appurtenances, which are reserved by said first party and not included in this lease,) for the term of four years from this date, unless sooner rescinded under the agreement as hereinafter provided; and said first parties have also, demised, leased and to farm let, unto said second parties, eight passenger cars, valued at twenty nine hundred dollars, and thirty nine burthen cars, valued at seventy five hundred and seventy five dollars, for the term aforesaid; and have sold to them fifty five horses with the harness &c., valued at five thousand dollars, and agree to keep and maintain them in the possession of the demised property during this lease, (except as hereinafter stated,) and to warrant the title of horses and harness &c. For, and in consideration of which, the parties of the second part, do hereby agree and bind themselves to raise the stage fare from Lexington by way of Versailles to Frankfort, to one dollar and fifty cents for each passenger, and the same price from Frankfort by way of Versailles to Lexington, and in the same ratio between said places both up and down, and not to reduce the fare on said route during this lease, in their present or any other stages which they may run as whole or part owners, or be in any way or manner interested in, on said rout; that they will keep the Railroad in as good repair as it is now in, natural ware and decay excepted, and will repair it as often as it may be necessary and proper for that purpose, during this lease; and to that end

they are to be permitted to use the materials of the Company at the cost thereof; and they shall, also, take good care of the residue of the said demised property, and not commit or suffer others to commit any waste thereof, and keep the same in good order and repair during this lease in every respect and particular; and they shall, also, put a train of broad tyred or broad wheel wagons, consisting of not less than four, and run them from Frankfort to Louisville, during the term of this lease, in connection with the burthen cars on the Railroad, to be started so soon as they can be procured and put into operation by said second party; that they will run the passenger cars on the Railroad during this lease as often as they are now run, unless agreed to the contrary by both of the contracting parties; that they will use every exertion in their power to throw the travel on the Railroad, and give satisfaction and good and comfortable accommodations to the travelling public in every respect and particular: and that they will pay to the parties of the first part, fifty cents on each passenger from Lexington to Frankfort, and fifty cents on each passenger from Frankfort, or the head of the plane, to Lexington; and when passengers enter at either Frankfort, or at the head of the plane, or at Lexington, and only go a part of the way on said road, the second parties shall pay to the said first parties, two fifths of the sum received; but the way passengers taken up between those points are not to be paid or accounted for to the said first parties. The said second parties are to make out and send way-bills from Lexington and Frankfort, and have the names of all passengers entered on them, and copy them in a book kept for that purpose, and make monthly settlements and payments to the said first parties, who are to have the inspection and examination of the way-bills and books aforesaid, for that purpose, at all times. There shall be no free passengers on the Railroad, except the President and Directors of said road, their engineers and agents, and the said second parties and their agents, together with the families of the said President and Directors and said second parties only. The said second parties are to give to the said first parties their notes, negotiable at bank, for the value of the horses, harness, &c. payable in four, eight and twelve months, which valuation shall be made immediately by the parties hereto, or their umpire mutually chosen by them for that purpose. The said second parties are to pay all taxes on the property leased, and to surrender this lease, and all the demised property, so soon as the Railroad from Louisville to Frankfort shall be completed, or in a reasonable time before, if required by said first parties, for the purpose of repairing the road from Lexington to Frankfort, in order to be put into operation and use at the same time as the road from Louisville to Frankfort.

The said second parties shall not sell, transfer, or assign this lease, or any part thereof, to any person or persons whatever, nor increase or diminish the fare or price of carrying passengers on said road, from what it now is, during the continuance of this lease, without first obtaining the written consent of said first parties for that purpose; nor shall they sell out or transfer their interest in the stages and route from Lexington by way of Versailles to Frankfort, or *visa versa*, or either of them, without the like consent of said first parties, or binding the person or persons who may purchase to keep up the fare or price of carrying passengers thereon, according to the true spirit and meaning of, and as fixed by this lease; nor shall they do, or permit to be done by others, any act or acts whatever, contrary to or in violation of the charter of the said Railroad Company, or any of the amendments thereto.

It is agreed that when this lease terminates, that the passenger and burthen cars are to be returned, and if they shall then be worth more than the valuation aforesaid, the said first parties are to take them and pay the excess, and if less, the said second parties are to pay to said first parties the difference. Either party to this contract may terminate the same, by giving to the other three months notice in writing, of their desire to do so; but should the parties of the first part elect to do so, in that event, they are to pay to said second parties for their stock upon the road and harness and wagons and teams, at valuation, to be made in cash, before they shall have the right to terminate the same. At the expiration of this lease, the said second parties are to return and deliver up the quiet and peaceable possession (if this lease shall not have been previously terminated in some one of the ways herein before provided,) of said road, in as good order and repair as it now is, natural ware and decay excepted; also, at the same time, all the other demised property, in like manner, in as good order and repair as it now is, natural ware and decay and unavoidable accidents by fire on excepted. It is further agreed and understood between the parties hereto, that the ware-house at the foot of the plane in Frankfort, on the northwardly side of the said Railroad, does not at this time belong to the said first parties, and is not now included in this lease, but if it should be obtained by them, then it is to be included with the other property; neither are the unimproved lots in and about Frankfort included, but are excepted out of this lease, and said first parties are to have the use of the car-house or houses at Lexington, where their locomotives are now kept, for the purpose of preserving and taking care of them and preventing any injury to them; and the said second parties shall, also, take care of and preserve the said locomotives and timber, iron, &c. on said road, and demised premises for repairing said road, and do all in their power to prevent loss or injury thereto, and not to use said locomotives in any way whatever; and shall, also, carry and transport for said first parties during this lease, all articles of every description, which they may require, from time to time, and without delay, on said road for the purpose of completing the same from Frankfort to Louisville, or otherwise, free of charge therefor, and until the line of wagons herein before provided for, can be procured and put into operation as contemplated by this lease; said second parties shall carry all the freight that may be offered on said road for transportation without delay, and as it has heretofore been carried and transported thereon. They shall run the cars on said road, so as to connect with their stages from Frankfort to Louisville.

IN TESTIMONY WHEREOF, The parties have hereunto set their hands and seals in duplicate, the party of the first part given under the seal of the corporation, attested by the signature of the President of said Company, the day and year aforesaid.

[SEAL.]

LEVI TYLER, *President of the Lexington
and Ohio Railroad Company.*

EDWARD P. JOHNSON, [SEAL.]

JACOB SWIGERT, [SEAL.]

PHILIP SWIGERT, [SEAL.]

SAMUEL P. WEISIGER, [SEAL.]

JOHN H. HANNA, [SEAL.]

By P. SWIGERT, Attorney in Fact.

SCHEDULE OF CARS.

Six small passenger cars,	-	-	-	-	-	\$ 2,400 00
One large red passenger car,	-	-	-	-	-	500 00
One baggage car,	-	-	-	-	-	225 00
Twenty four burthen cars,	-	-	-	-	-	4,800 00
Two stock cars,	-	-	-	-	-	600 00
Three repair cars,	-	-	-	-	-	450 00
Ten wood cars,	-	-	-	-	-	1,500 00
						<hr/>
						\$10,475 00
						<hr/>

PHILIP SWIGERT & Co.

LEVI TYLER, *President of the Lexington and
Ohio Railroad Company.*

The large red passenger car, valued at 500 dollars, has been returned to the Company, and two small red cars, valued at 600 dollars, substituted by consent of parties.

PHILIP SWIGERT & Co.

LEVI TYLER, *President of the Lexington
and Ohio Railroad Company.*

April 4th, 1838.

A list of property belonging to the Lexington and Ohio Railroad Company, and sold to Philip Swigert & Co., to-wit:

Fifty five horses, one wagon, gear and harness, corn in the garners, oats and hay in the stables and six stacks of hay purchased of Flournoy, all for	\$5,000 00
One hundred barrels of corn, purchased of T. Hunt, at \$1 50 cents per barrel,	150 00
Twenty four cord of wood in ware-house at Lexington, at \$3 per cord,	72 00
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\$5,222 00	
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At four, eight and twelve months, per notes taken, payable in Bank, dated 18th January, 1838.

LEVI TYLER, *President of the Lexington
and Ohio Railroad Company.*

REPORT

ON THE

GEOLOGICAL RECONNOISSANCE OF KENTUCKY,

MADE IN 1838.

BY W. W. MATHER,

GEOLOGIST AND MINING ENGINEER.

EXECUTIVE DEPARTMENT, }
Frankfort, January 3, 1839.

SIR :

I have received the accompanying report of W. W. Mather, the geologist appointed to make a geological reconnoissance of the mineral resources of the State. Permit me, through you, to lay the same before the house over which you preside.

JAMES CLARK.

Hon. ROBERT P. LETCHER,
Speaker House of Representatives.

JACKSON C. H. JACKSON COUNTY, OHIO, }
December 28, 1838.

SIR :

Having been appointed by your excellency to carry into effect a joint resolution of the General Assembly of the Commonwealth, to make a geological and mineralogical reconnoissance of the State, and submit a report thereon, together with a plan in detail, and estimates, for a geological and mineralogical survey of the State, I have the honor to report, that on receiving my appointment, I entered immediately on the discharge of my duties, and have made a reconnoissance of the mineral districts of Kentucky. Less time was devoted to this reconnoissance than would have been desirable, in consequence of other duties; but amply sufficient, it is believed, for the purpose intended by the joint resolution of the General Assembly, and sufficient to impress one with an assurance of the vast mineral resources of the Commonwealth, which have so long lain dormant beneath and on our soil, ready for the hand of industry and enterprise to apply them to the various useful purposes of life.

Less has been written on the mineralogy and geology of Kentucky than almost any State or territory in the confederacy, and it has probably been owing to the apparent uniformity of its minerals, and their small number in that portion of the State which is most densely populated, and which is appropriately called the "garden of Kentucky." Agriculture is almost exclusively the occupation of the people, and for this purpose the soil is admirably adapted. Few ores or minerals calculated to attract the attention, either by their beauty or their economical value had been observed, and the subject has not, therefore, attracted much attention, until the recent developements in other States, have caused the people to realize the importance of a knowledge of their mineral resources. The inhabitants of the mountainous parts of the State, and some of those in other portions, have long known of the valuable beds of coal, iron ore, &c., but even now, they are not properly appreciated as the elements of future wealth, and as the source of unlimited employment to a large manufacturing population. In consequence of a knowledge of mineralogy and geology not being generally diffused through the community, the people are neither aware what minerals may be expected to be discovered, nor in what situations to look for them, and even where particular minerals of value have been found, few know how to trace out their extent, or find the continuation of the beds in the adjacent hills and mountains. It has often been observed in examining the mining districts of the State, that the minerals worked, were supposed to be confined to the localities where they were found, when a slight knowledge of the elementary principles of geology, would have enabled the proprietor to trace the beds to situations where they would be more favorably situated for working and for transportation.

The internal improvement system which has been prosecuted so liberally under the enlightened policy of our statesmen, is now furnishing means of transport for our coal, iron, salt, agricultural products and manufactures to their appropriate markets.

As these public works were in part planned in reference to the transport of our mineral products, it follows as a consequence, that our mineral resources should be thoroughly developed, in order to give full value to these improvements already constructed, and to indicate the routes of future lines of transport which, the wants of the community may render necessary.

No State, probably, possesses such natural facilities for the transport of her mineral and agricultural products, and her manufactures as Kentucky. The Big and Little Sandy flow in the midst of a region of coal, iron ore, copperas and alum rocks, sand rock, &c. The Licking, Kentucky, and Cumberland penetrate beyond the agricultural into the very heart of the coal, iron and, salt regions, affording every facility for an easy interchange of such products as are not sent from these districts to a more distant market. So with Green River, it flows from the heart of the State, through a rich agricultural and mineral country. And since this region contains an extensive coal formation far distant from any other in the valley of the Ohio, (except that portion of it which extends into Indiana,) it is reasonable to suppose that a large share of the coal which will be consumed in the valley of the lower Mississippi, will be drawn from the coal basin of the western part of Kentucky, and Indiana. It is well known that there are no coal beds on the waters of the Arkansas and Red rivers, until near the west boundary of Arkansas, and none accessible near the Mississippi, except near St. Louis, and

thence north to the Rock river. It is thought that the coal of the Green river valley can be shipped to the lower markets at as low a price as that of St. Louis, the Illinois river, and Mississippi above the Illinois, and probably cheaper, and will be able to compete with those mines, and perhaps have the preference in the market.

The amount of coal now consumed on the waters of the Ohio and lower Mississippi is very great, but I have not been able to collect accurate data for an estimate. It is used for domestic fuel, in Iron works, steam mills, and various manufactories, steamboats, and sugar boiling in Louisiana.*

The consumption is rapidly increasing in all the various purposes to which coal is applied, but the use for sugar houses and steamboats is going far in advance of the others. Those who have used coal on steamboats and in sugar houses, almost universally prefer it to wood, not only on the score of economy, but because it is easily regulated, and there is a greater uniformity in the heat. It is to be observed, however, that care should be taken in the selection of the coal for steam boilers to have it free from sulphuret of iron.†

The mineral districts are grouped in different parts of the State, and varied in their character and aspect as in their products. Coal, iron ores, salt, saltpetre, limestone for common and hydraulic lime, sandstones for building and firestone, limestone for building stones and marbles, clay for bricks and coarse pottery, shale for firestone, fire bricks and pottery, and pyrites for the manufacture of copperas, are among the most important mineral substances of economical interest.

These substances occur in abundance within the limits of the State, but few of the locations, comparatively, are either known or appreciated by the mass of the people. In addition to these are various valuable medicinal springs, petroleum or burning springs, and lead ore. Chalcedony, agate, and amethyst, such as are extensively manufactured in Germany into small ornamental articles and precious stones, are common in some parts of the State. The mineral districts of Kentucky embrace in the aggregate almost the whole area of the State.

The coal, iron and salt districts occupy about one fourth the area of the State, and are parts of the coal basins of the upper and lower Ohio.‡

The coal formation of the upper Ohio is very extensive, occupying the eastern part of Ohio, the western part of Pennsylvania, Maryland and Virginia, and about 7000 square miles of the eastern part of Kentucky. The coal formation of the lower Ohio embraces about twelve counties in Kentucky, most of which are in the Green river valley, and thence extends across the Ohio river up the valley of the Wabash in Indiana.

*The data thus far obtained, justify the conclusion that at least 1,000,000 bushels of coal are sent to market per annum, from the mines in the Cumberland, Sandies, Licking, Kentucky and Green rivers.

†This mineral is common in some of our coal beds, and may be easily recognized. It is yellow, hard and heavy, and is frequently mistaken for gold by those who are unacquainted with it; but its hardness and brittleness will enable any one to distinguish it. If put in the fire, it burns with a blue flame, and the odour of sulphur, and leaves a red residue which is the oxide of iron, and which is attractable by the magnet.

‡The terms upper and lower are convenient for conciseness in description, and we take the falls of the Ohio at Louisville as a natural division between them.

The western limit of the coal formation of the upper Ohio in Kentucky, may be indicated, approximatively, by a line drawn from near the mouth of Tygart's creek, by West Liberty on the Licking, the forks of the Kentucky and the South Fork of the Cumberland into Tennessee. The country east of this to the west line of Virginia abounds in coal, iron ore and salt.

The boundary of the lower Ohio coal formation, within Kentucky, may be indicated by an irregular line drawn from near the mouth of the Wabash, so as to include Henderson, Daviess, Hancock, Ohio, and most of Union, Hopkins, Muhlenburg, Butler, Edmonson, Grayson, and a small portion of Breckinridge, Hart and Warren counties. Below the coal formation is a formation of slate rock, several hundred feet in thickness, and abounding in iron ore. It forms the surface of a belt of country several miles in width, and extending parallel to the coal formation from near Clarksburg, in Lewis county, S. S. W. across the Licking, between Owingsville and the narrows of the Licking, thence by Irvine on the Kentucky river, thence S. W. by Stanford and Liberty across the Cumberland river. Another *branch*, as it seems to the eye, (although in reality it underlies the surface rocks between the forks,) ranges from Irvine along the base of Muldrow's hill by New Haven to the Ohio river. The iron ore in this formation is exceedingly abundant. It appears to be a calcareous and argillaceous carbonate of iron, but it has not yet been analysed, so far as I know. It is extensively used in the manufacture of iron in several of the counties, and particularly in Bullitt county. It is said to make iron of a superior quality. It occurs in layers in the slate, either as continuous strata, or in courses of round or oval nodules which vary in size from an orange to a barrel in magnitude.

In the ravines and on the hill sides, where the slate is undergoing continual disintegration, and forming a clay which washes away almost as soon as formed, the nodules of ore are found in abundance, and may be picked up in large quantities.

Fine furnace locations were observed in several parts of the State, while making the geological reconnoissance, where abundant supplies of ore might be easily obtained for long periods of time. Such deposits were observed between Mount Vernon and Irvine; near the Blue Licks; between Irvine and the forks of the Kentucky; and between Owingsville and the narrows of the Licking. The survey, if authorized by the Legislature, will doubtless cause hundreds of valuable locations to be discovered and made known to the public.

The remaining portion of the State is mostly occupied by limestone as a substratum, and forms the richest and most productive agricultural region of the State. This, also, may be properly termed a mineral region, although its mineral resources are not yet understood or appreciated.

Besides the limestone, the different strata of which are adapted for lime, hydraulic lime, building stones, or marbles, iron ore abounds in many places, and lead ore has been found in small quantities in numerous localities.

COAL FORMATIONS OF KENTUCKY.

The coal formation, or those rocks that contain coal, cover an area which may be calculated at 12000 square miles. Coal is not accessible over all this area, neither are the beds, in all places, thick enough, or of a suitable quality for workable coal.

The general boundaries of the two coal formations in Kentucky have been already described. These formations are composed of various rocks, such as sandstones, conglomerate, shales, limestone, coal and iron ore.—Sandstone forms by far the greater portion of the mass of rock in these coal formations, and it every where attracts the attention of the traveller, by the wild romantic scenery to which it gives rise. This rock is almost the only one calculated to attract the attention, as the others, when exposed, soon become covered with their crumbled up fragments arising from the disintegration of the rock.

The coal is of two, perhaps three distinct qualities, but all of them are bituminous.

The varieties are,

1st. The common bituminous, or caking coal.

2d. A similar coal which does not cake and adhere in lumps when burning, but each piece keeps separate and distinct.

3d. Cannel coal.

All these coals burn well and give out much heat, but the two latter are far more pleasant for domestic use, and do not emit that kind of smoke from which flakes of soot, like lamp-black, are diffused through the air. These coals are already worked extensively in Kentucky, and are daily getting into more common use for a great variety of purposes, such as for iron works, steam mills, manufactories of various kinds, steamboats, and for domestic use. The aggregate quantity consumed cannot be estimated correctly, but it is supposed that from 400,000 to 800,000 bushels per annum are sent down the Cumberland river to Nashville, to the Iron Works, and to the other towns in Tennessee: that 200,000 bushels descend the Kentucky to Frankfort, and other towns on the river, and perhaps 100,000 bushels descends the Licking, and 30,000 the two Sandies.

The salt works and iron furnaces in the coal region consume a large quantity of coal, and it is probable that the coal consumed within the State, and that sent down the Cumberland and Ohio, amounts to 3,000,000 bushels per annum.

The use of coal for steamboats is increasing far more rapidly than for other purposes, and for the following reasons:

1st. It makes a more uniformly hot fire, and is more easily regulated than that of wood.

2d. Ten bushels of coal are equivalent, in effect, to a cord of wood; and as coal may be averaged in price at 10 cents per bushel, and wood at \$2 50 per cord, the economy in the use of coal is very great, viz: three fifths.

3d. The weight of equivalent quantities of coal and wood is as 1 to 3.

4th. The bulk of equivalent quantities of coal and wood is as 1 to 9.

5th. The labor and expense of putting equivalent quantities of coal and wood on board steamboats are as 1 to 4.*

Thus we see there is an economy in the actual outlay of purchase and shipment of the article, and also in the weight of, and space occupied by the material.

Steamboats that consume twenty cords of woods per diem, burn 200 bushels of coal.

* Triplett's Circular.

Hon. D. Trimble, in his report on the coal and iron trade of Kentucky, made to the Legislature at its last session, estimates the amount that Kentucky would furnish to steamboats, if all on the western waters used it, at 400,000 tons, which at 10 cents per bushel, and thirty bushels to the ton, would yield an annual income of \$1,200,000. This estimate of the consumption of coal for this purpose is conceived to be a low one, as the population and business are rapidly increasing, so the means of transport must increase in a corresponding ratio.

The economy of coal over wood, as wood is rapidly decreasing in quantity, and rising in value, must necessarily cause its substitution as a means of motive power for transport within a few years.

During the reconnoissance of the past season, I had occasion to examine many of the coal mines which are now wrought in Kentucky. The system generally pursued is a very defective one, and must eventually cause a great expense to be incurred, or result in the abandonment of the mines.

Mines and beds of minerals are of public utility, and when exhausted they cannot be renewed; hence it becomes a matter of moment, not only to the proprietor, but to the people, the State, and the Nation, that they should be wrought in such a manner as shall produce the greatest quantity and best quality of the materials, with the least waste and expenditure of labor, time and money.

The course pursued in many of our mines, is to mine into the coal bed on the side of a hill, where the coal is in a position nearly horizontal, and excavate it until the roof falls in, or until the miner fears being crushed if he continues his work. This is then abandoned, and a new opening made at another point on the hill side. The hill sides are thus riddled with openings, where the rock above, for want of adequate support, has fallen down, which will make future mining both expensive and difficult. Such mines are always more wet than they would be under other circumstances.

No mines in the world are capable of being more easily worked than those in Kentucky. The strata of coal and iron ore are in a position nearly horizontal, dipping just about enough to permit the water to flow off, if the mine be opened on the right side of the hill. These materials are in such abundance in the hills above water level, and on or near important lines of water transport, that hundreds of years must elapse before it will be necessary to mine deep into the earth by means of vertical shafts. This method would cause a great expense for draining, like the mines of England, France, Germany, &c.

The principal cause of the defective system of working the mines, is undoubtedly due to the general fact, that they are worked by men of little or no capital, and hence, it is necessary for them to extract the mineral with the *least possible present expense*, regardless of the future good condition of the mine. For the same reason, those who mine the coal send it down in boats and depend upon a chance market. They thus sometimes make a handsome profit, but frequently, do not obtain enough to defray the expense of mining, transport and the boats.

This, like any other branch of business, in order to be conducted with the greatest advantage, requires the investment of a considerable amount of capital, in the various necessities and conveniences for mining operations, for transport to a market, &c. Incorporated or joint stock companies, which can command a large capital, and exercise an extensive sphere of influence,

must always have an important advantage over individual citizens, who can only use his own smaller capital and personal influence.

Chance markets for the coal now sent from the mines, ought no longer to be depended upon. There is always an unpleasant uncertainty, both for the producer and the consumer. Coal yards or depots should be established in all our principal towns, where coal can be collected during the proper season of the year, and thus give a certainty of supply to one party, and of profitable sale to the other. Another advantage would be gained, viz: when the supply is certain, so as to meet all the wants of the community, the consumption will rapidly increase.

RECONNOISSANCE IN THE COAL DISTRICTS.

During the reconnoissance, coal was seen in many places where the people scarcely know of its existence. I will mention some of the places observed where coal occurs, some of which are worked, some are known to the inhabitants, and some have not before been known.

A coal mine at the level of the Ohio river is worked in the bed of Clear creek, near Henderson, and another in the bank of the Ohio river about 1 mile from Henderson. The bed is stated to be 3 feet thick, but was covered by the high water of the Ohio at the time of my visit.*

Coal is found in many places on the route from Henderson to Owenboro', in the banks of the creeks, in the hills, and in digging wells. Six miles from Henderson a gentleman dug through coal in sinking a well. It is mined on Lick creek near Green river.

The terraces in the hills, and which are so indicative of coal where it occurs in nearly horizontal strata, are easily traceable by the eye, and on examining along the road where it crossed these terraces in the hills, distinct indications of coal were observed. There can scarce be a doubt that all this region, from Henderson to Green river, and Owenboro', is underlain by beds of coal, although much of it is probably below the water level of the country, and would require drainage to work it. But as much of it lies so convenient to water transport, it will well repay this expense, when the demand and price shall increase. From Green river, the road between Henderson and Owenboro' leads along a natural ridge for several miles through the wet lands. This ridge slopes off gradually to the south, but abruptly to the north, with springs at its base. It resembles in many respects the natural terraces of the coal banks. It continues several miles to the N. E. of Owensboro', and several fine private residences are erected on it, as Mr. Triplett's, Judge Bibb's, and others. At Bonharbor, 3 miles N. W. of Owenboro', $\frac{3}{4}$ and 1 mile from the river, are several openings where coal has been dug in considerable quantities. The bed of coal is 30 or more feet above high water mark of the Ohio, and is stated to be 4 to 5 feet thick and covered by limestone 4 feet thick. This limestone bears some resemblance to that from which hydraulic cement is made in some parts of the country. I saw the coal and limestone at the mouth of the mine, but could not see either, in place, as the earth had caved in, and covered both the coal and limestone

*I may here be permitted to express my obligations to Edmund H. Hopkins, Esq. of Henderson, who gave me much valuable information upon the coal of this part of the State.

beds. The coal bed forms a bench or terrace in the hills which is easily traced by a practised eye. The strata dip slightly to the N. W. Sandstone overlies the limestone in a bed 14 feet thick. Shale, one inch in thickness, intervenes between the limestone and coal, and shale forms the floor of the coal.*

Coal is found in the bed of the Ohio river about 1 mile above the mines. It is supposed by those who have endeavored to trace out the extent of this coal bed, that it underlies about 3000 acres of land. I should not be surprised if coal should be found every where around Owenboro', at some depth below the soil, by boring, as it is a part of the great coal formation of the Green river and Wabash vallies; but should this be the case, they could be of little present value, so long as they would require draining, while such an abundance can be procured from the Bonharbor hills without this expense.

Coal has been found in small quantities at Rumsey, at lock and dam No. 2 on Green river. It is not improbable that beds of greater or less thickness underlie the whole country between Owenboro' and Rumsey, but the country is so flat and marshy, that it could not be explored with advantage, if it lies below water level. A seam of coal of 8 inches was found at the falls in digging the foundation of the lock.†

Everlie's coal bed is ten miles southeast of Rumsey. The coal is three feet ten inches thick, overlaid by thick bedded sandstone. The coal is more or less mingled with pyrites; but that which I saw, would not be injured for ordinary uses by the quantity of this mineral contained in it. There are some appearances indicative of a coal bed above, and of another below, in the same hill, but no opening has been made to ascertain whether there are coal beds of workable thickness. The mine, at this place, is 70 or 80 feet above low water of Green river, and about 400 yards from its banks.

Coal was again observed about five miles south of Everlie's bed, about 30 feet above the river, at the base of a cliff of sandstone, which is extensively quarried for the locks and dams below. The quarry and underlying coal are on the immediate banks of the river. The coal is three feet thick, and contains pyrites. Passing thence up the river valley, the hills have the aspect of coal and iron ore deposits. Traces of iron ore were observed in many places.

On Pond creek, at Vaught's Mills, two beds of coal are opened. The lower coal is near the level of the creek. It is $4\frac{1}{2}$ feet thick, overlaid by shale. The shale, about 12 to 20 feet above the coal, is filled with layers and nodules of iron stone. Sandstone overlies the shale, and continues some distance up the hill. At about 70 feet above the lower coal is another seam of coal six feet thick. It contains some shale, and is covered by a bed of shale, and this latter is overlaid by a thin bed of limestone. Nodules of iron ore, some of which contain blende, occur in the earth arising from the decomposition of the shale, about 15 or 20 feet above the coal.

*This coal tract is owned by Robert Triplett, Esq., and must undoubtedly soon be extensively worked, to furnish coal for steam boats, and for the southern market where large quantities are used in sugar boiling.

†I am under many obligations to Mr. Livermore, the Engineer of the Green river navigation, to Maj. Dyer and Dr. Johnson, of Rumsey, for much local information and many kindnesses.

Buckner's Iron Works are situated five miles southeast of Greenville. Mr. B. has erected a large blast furnace with the intention of smelting with coke. He has an abundance of coal in the vicinity, and of ore also. One of his main beds is a slaty argillaceous and calcareous carbonate of iron, as I should judge from its aspect, (for I have not analyzed it.) This ore bed is *fifteen feet thick*. He has another heavy ore bed of the oolitic and earthy hydrated per oxide of iron, or limonite, filled with fossil shells. The hills all around Greenville contain indications of iron ore, but no minute explorations have been made to determine the extent or thickness of the beds.

At one of the coal banks, about three quarters of a mile S. W. of Buckner's furnace, and near the slaty ore bank, is a distinct fault of about five feet. There are here two distinct beds of coal; the upper, about sixteen inches, and the lower, about thirty inches thick, separated about four feet. There is more apparent derangement in the stratification of the rocks in this vicinity, than I have seen in any other part of Kentucky.

A coal bed, three feet thick, is in the bottom of Mr. Baker's well, thirteen miles S. E. of Greenville. The country between these places is hilly, with frequent traces of coal and iron ore. This is near the southern limit of the Green river coal field. The limestone is only three or four miles south of Baker's; and no coal is found, south of the edge of the limestone, nearer than Alabama. Buckner's Furnace is also near the southern boundary of the coal field. He has exchanged coal for corn, bushel for bushel; the former being carried south, into the limestone region, for blacksmiths' uses. Mr. Baker lives on Jacob's branch of Clifty creek. The sandstone of the coal measures shows itself in many places in the vallies of both these streams.

Another point on the S. boundary of the coal field of Green river is near Muddy river, on the road from Greenfield to Bowlinggreen.

Coal may perhaps be found in the caps of some of the high hills near Waggoners, where the turnpike from Louisville to Bowlinggreen crosses Green river. It is not to be expected however, where there is not a thickness of 100 feet of sandstone above the limestone.

Somerset, in Pulaski county, is a few miles W. of the western margin of the upper Ohio coal field, and which occupies the eastern part of Kentucky. It is not impossible, however, that there may be coal in the caps of the highest hills within two miles of Somerset. The limestone every where underlies the coal formation in Kentucky in both the coal basins, but it changes in character on the north, and in Ohio becomes a fine grained sandstone. A fine section of these rocks is exposed on the banks of the Cumberland, on the road from Somerset to the South Fork. The hills along the South Fork of the Cumberland contain coal, and all the rocks of this formation are here observed, superposed over the cavernous limestone, which contains all the great caves of Kentucky; and which, in Kentucky, Illinois, Missouri, and Arkansas serves, (as I know from personal observation,) as a floor for the coal formation.

John Beatty, Esq. who lives at the mouth of the Great South Fork, and to whom I am under many obligations, has opened a small seam of coal about 2 miles S. from his house, in the hills. It is believed that there are beds in these hills of a workable thickness. The same terraces occur here in the hills, as in the coal deposits that have before been described. Coal is worked on the South Fork of the Cumberland. A. Snyder, Esq. engineer, has thus

described the worked coal and the associated rocks, in the engineer report of 1837, p. 119, 120:

"Coal is found in great abundance, and is first mined about sixteen and a half miles above the mouth of the river, where the vein is said to be about three feet thick; it is hauled half a mile to the boat landing.

"Immediately before the mouth of the little South Fork, twenty five and a half miles above the mouth of the great South Fork, a vein, varying from three feet eight inches to four feet six inches in thickness, has been worked for several years. And at about half a mile above the Little Jumps a vein has also been opened, from which several boat loads have been taken.

"Thence to the crossing of the proposed road from Louisville to Knoxville, veins of coal of various thickness may be found; the only one examined was two and a half feet thick.

"It is said that a vein, four feet thick, has been found on Bear creek, which enters the river immediately above the crossing.

"The coal appears to be good, and burns freely in a grate, but is accompanied by sulphuret of iron.

"The formation of the rocks is regular, the strata having a dip which is very nearly the same throughout.

"Bituminous shale is found at the surface of low water, at the mouth of the river, overlaid by limestone, in thin layers, of a light color, with nodules of black flint adhering to the surface of those rocks which are exposed to the action of the water. At three and a half miles up the stream, a vertical cliff of limestone rises three hundred feet above the water, and at fifteen miles, the cliff appeared about two hundred feet high, having some fragments of oolite limestone at its base; at twenty miles the height was not more than seventy feet—it was composed of thin layers, chiefly oolitic; and at twenty three miles the bank, at the edge of the water, was covered by thin fragments of sandstone, and large masses of conglomerate. From thence to the thirty fifth mile, where the limestone was last seen, in a cliff of only about twenty feet high, it is more or less hidden by fragments of fine sandstone, and sandstone conglomerate; the hills having gradually increased in height, with cliffs composed of thick beds of conglomerate on top, and thence, to the crossing of the proposed road, the rocks did not form cliffs sufficiently abrupt to afford an opportunity of tracing them out. Three separate strata or veins of coal are found among these beds of sandstone. The upper one is said to be eighteen inches in thickness, at a distance of about eighteen feet above the second, which is from three feet ten inches to four feet six inches in thickness; the third is about sixty feet below the second, and is only six inches thick.

"The only article of trade is coal—two boat loads, of about two thousand bushels each, have been sent from the lower coal bank; and from the second about sixty thousand bushels have been sent, and twenty thousand more were ready to be sent down the river. Coal has also been sent from the mine above the Little Jumps, but the expense of hauling past them, to the landing, has caused it to be abandoned."

Mr. Snyder has, also, made many observations and measurements along the Cumberland and the Rockcastle, in the coal region, that are deemed of much importance, not only in statistical details, but in affording important data for the geological investigations that may hereafter be made. The following extracts from Mr. Snyder's reports, are quoted from the Engineer report of 1837, pages 114, 116, and 105, 106:

"There appears to be abundance of coal, at different points between the falls and the mouth of Buck creek, a stream which falls into the Cumberland about seven miles above the Great Shoals. There are only three points at which it has been mined, the highest is about half mile above the mouth of Laurel, where there are said to be four veins; one in the bed of the river; another twenty feet above the water, and about two feet thick; a third about thirty five feet above the water—forty inches thick; and a fourth, said to be sixty or eighty feet above the river, being four feet thick.

"The third vein is that from which two boat loads have been mined, and from which they were obtaining coal at the time the survey was made. The second mine is a little more than a mile below the mouth of Laurel, on the left bank of the river, being on the same side, and apparently the same vein which is worked above. It is about thirty five feet above the water, and is forty inches thick. Two boat loads have, also, been sent from this place.

"From this point to the commencement of the principal mines, about eighteen miles below the mouth of Laurel, it does not appear that any coal has ever been mined for market, but in a distance of one and a half miles farther down the river, many mines have been opened; some of which are being worked at present, and others have been abandoned.

"There are said to be three veins of coal; the highest is from four feet to four feet ten inches in thickness, and is about three hundred feet above the level of the river; the second vein is about twenty feet lower than the first, and is one foot six inches in thickness. Coal has been obtained from each of these veins, but the upper one is that from which the coal sent to market has been mined.

"The principal mines are opened on the right side of the river, at the distance of about one and a quarter miles from it, so that the coal must be hauled that distance to be put on board the boats. The large vein has, also, been opened on the left bank of the river, at the distance of ten or twelve hundred feet from it. A small railway has been laid down from the mouth of the mine to the top of the cliff, from whence the coal is sent down to the landing by means of a self-acting inclined plane.

"It is said that in 1827, the first coal was taken from these veins to be sent to market, and that in 1828 only five boat loads arrived at Nashville. In 1829 the first drift, or underground working, was commenced—all coal previously obtained having been cut from the crop edge of the vein, where it comes out to the surface of the ground. From 1829 until 1834, probably from twenty five to thirty five boat loads, per annum, averaging seventeen hundred and fifty bushels each, have been sent from the landing; and from 1834 until 1837, from seventy five to one hundred boat loads, per annum, averaging three thousand five hundred bushels each, had been sent down the river.

"Sixty thousand bushels had been shipped previous to the time when the survey was made, and thirty five boats were then loaded and ready for a tide.

"It was found, by leveling up to the tide marks; that a rise of sixteen feet and eight tenths was required, at the coal landing, to enable boats, drawing four feet of water, to pass the Great Shoals with safety; boats of a lighter draft are sometimes sent when the water is only twelve feet above low water mark.

"I was informed that the cost of mining and delivering coal, at the mouth of the mine, is two and a half cents per bushel; hauling to the landing, five and a half cents per bushel; loading, one half of a cent, and baling the boat one half of a cent per bushel: making a total cost of nine cents per bushel in the boat. An average boat carries thirty five hundred bushels; it costs one hundred and forty dollars, and sells for thirty five dollars. The cost of transportation is one hundred and twenty dollars.

3,500 bushels of coal, at 9 cents,	315	3,500 bushels of coal, at 23 cts.	805
1 boat, - - - - -	140	1 boat, - - - - -	35
Pay of hands and expenses, -	120		
	<hr/>	Value at Nashville, -	<hr/>
Total cost at Nashville,	\$575		\$840

Leaving a net profit of two hundred and sixty five dollars—from which must be deducted a proper per centage for risk.

"If the information received is correct, the present prodnce of the mines is three hundred and fifty thousand bushels per annum, equal to eleven thousand six hundred and sixty six tons; and the whole amount sent from the mines since 1828, one million one hundred and forty five thousand bushels, equalling thirty eight thousand one hundred and sixty six tons.

"Iron will, no doubt, become a considerable article of transportation at some future time, as there are abundant indications of the presence of ore at various points along the river.

"The products of agriculture, above the Great Shoals, are very limited in their amount. About one hundred corn boats, carrying four hundred barrels each, and from twenty to twenty five tobacco boats, carrying sixty hogsheads, weighing 1500 lbs. each, are said to be sent annually from the lower part of the river.

"The formation of the rocks is very regular throughout, commencing at the falls with a sandstone, and sandstone conglomerate, in thick beds, with white quartz pebbles, which are more numerous in the upper than in the lower strata. The cliffs rise to a height of four and five hundred feet above the water, and the strata have an inclination in the direction of the stream of a half a degree or more. Near the mouth of Laurel the coal veins before described are found in the face of the cliffs, and two miles below, the limestone rock first makes its appearance level with the surface of the water, From thence it gradually rises, and forms cliffs at various points throughout the whole distance to the Tennessee line.

☞ "At four miles below the mouth of Laurel, the upper stratum appeared to be eight feet above the water—it was crystalline, and about two and a half feet thick. At six miles below the mouth of Laurel, it forms a cliff rather shelly, and about ten feet high, the strata being very nearly horizontal. At eight miles it is twenty feet above the water; and sixteen miles the beds of limestone are blue, having petrifications of shells and plants, together with small nodules of black flint. At the Great Shoals, the cliffs are three and four hundred feet high containing flint petrifications. These cliffs extend throughout the length of the shoals and to the mouth of the Great South Fork, where a stratum of bituminous shale appears at the surface of the water. Eight miles further down, this bed of shale rises three feet above the surface, and at twelve miles, it is forty feet high. At sixteen and a half miles, a bed of limestone appears at the surface of the water, very full of

petrifications; and at thirty six miles below the mouth of the Great South Fork, the cliff was composed as follows: base, thirty feet of blue limestone; next above were ninety feet of black slate or shale, surmounted by fifty feet of yellow sandstone; and on the top were eighty feet of blue slate or shale—total 250 feet. At seventy nine miles, the hill appeared to be composed as follows: one hundred and eighty feet of limestone at bottom, overlaid by fifty feet of shale, twenty of yellow sandstone in thin layers, and seventy of shelly limestone—total 320 feet. Thence to the Tennessee line, the cliffs are from two hundred and fifty to three hundred feet high, with numerous shells and other organic remains. Sandstone and shale are not found except at a distance from the river.”

On Goose creek, coal is said to abound, and to be dug in many places for the salt works, and for domestic use. The necessity of meeting an appointment on a fixed day, at Irvine, prevented my visiting the coal deposits and salt works of the Cumberland and of Goose creek.

The road from Somerset to Mt. Vernon, passes near the west limit of the coal formation. Most of the rock is the limestone, which is the floor of the coal formation; but sandstone is observed in passing over many of the knobs, and iron ore occurs in many places on this route. It is not ascertained whether it occurs in workable quantities. A thin bed of coal occurs in the hills at Mt. Vernon. Its situation is believed to be similar to that of a thin bed that is very common through the country between this place and Irvine, above the cavernous limestone, or below the conglomerate rock.

At Irvine, on the Kentucky river, the cavernous limestone occurs in the high hills, and the highest are capped by sandstone and conglomerate. It is probable that the thin coal bed, above referred to, may exist between the sandstone and the limestone, but it is scarcely probable that it will ever be worked, so long as the beds on the bank of the river, near the forks, are productive. Irvine may be considered as the extreme westerly boundary of the coal formation, and coal cannot be expected in any quantity there. Slate, with its imbedded hydraulic limestone and iron ores, forms the mass of the hills from the river to an elevation of 200 or 300 feet.

As the strata of rock dip slightly to the E. S. E. in ascending the Kentucky river, from Irvine to the Forks, we pass, in succession, over the rocks that overlie each other, and which are seen in the hills at Irvine. At about 12 or 14 miles above Irvine, we have passed over the slate rock which has plunged below the bed of the river, although at Irvine it formed the mass of the hills for 200 to 400 feet high. Limestone then succeeds in high cliffs along the banks, but this in its turn, also, sinks below the stream after ascending to the rock shoals, about 3 miles below the mouth of the South Fork, and disappears from the banks of the Kentucky and its tributaries.

The limestone is succeeded by high bluffs of sandstone and conglomerate, which also sink below the stream as you continue to ascend. The rock passes along the limestone bluff for a mile or two on the shelf or terrace at the junction of the limestone with the sandstone, and finally the second bluff or shelf of sandstone succeeds, which is 70 to 100 feet thick. Here we evidently came on to the coal measures, although no coal was seen. The hills have all the characters of form, soil, sandstone, slate and decomposed shale of the coal measures, with frequent indications of iron ore, and with occasional traces of black earth from the disintegration of coal. These offer sufficient evidence to satisfy any practised eye. Near the Rock Shoals at the

mouth of Sturgeon creek, a fine coal bank has been opened. Mr. Welch the Chief Engineer of the State has examined it. Coal mines are opened along the Kentucky river near the mouth of the South Fork in great numbers, and in the banks of the small streams which enter the river on the right bank. The coal is from $3\frac{1}{2}$ to $4\frac{1}{2}$ feet thick and is of good quality. Too little care is taken to pick out the pyritous coal, some of which is found among that of good quality, and which when sent to market, may injure the reputation and market price of the coal. The strata dip slightly to the E. S. E. but they are moderately undulating. Some of the mines drain themselves by the natural slope of the rock; others require a drain, or pumping or bailing to keep them dry, even in the same face of the hill, and where the adits are parallel to each other. Some of the mines, in what seems to be the same bed of coal, have a slate roof, and others one of solid sandstone. These mines are situated in the hills near the river, and about 80 or 90 feet above it. It is believed that at least two beds of coal are found in these hills. Coal is found in all the river hills from the mouth of the South Fork for a long distance up the stream.—Few of these mines have been carried more than 60 to 80 feet into the hills.

Passing from Mr. Maguire's, near the Middle Fork, over the hills to the mouth of Troublesome creek, the sandstones and slates of the coal measures were every where observed. Numerous thin seams of coal were seen from 6 to 30 inches in thickness in the banks of the water courses, and in the hills of the river valley. There is some good land for tillage along the water courses, but the valleys are generally very narrow, and appear to have been formed by the erosive action of flowing water, since the layers of rock on the opposite sides of the vallies are at about the same elevation, and their planes coincident, as though they had been once continuous, but since worn through and washed away by the flowing water. The country is but thinly settled, as there is little land adapted to tillage, and it is considered impassable for wagons. Bridle paths are the only roads, and there is no means of transporting any of the produce of the country to a market, except by flat boats at high water, or on pack hoses.

Coal was seen in the valley of Caney creek, and in the fork of the creek between Col. Haddock's and the mouth of Troublesome, but the beds, where exposed, were thin.

The mines of cannel coal are on the left bank of the North Fork of the Kentucky, nearly opposite the mouth of Troublesome creek. Those most extensively worked belong to Mr. Haddock. They are situated in the river hills, about 273 feet above low water of the river.* Openings have been made along the hill, at short intervals, for some hundred yards, but the people have not traced it in the adjoining hills, although it undoubtedly exists in them, in the direction of the continuation of the stratum. The coal bed is 4 to $4\frac{1}{2}$ feet thick. The upper part of the bed is common bituminous coal, from 10 to 16 inches thick, and breaking into cubic or rectangular fragments. This bituminous coal does not cake in burning. The cannel coal forms a thickness of about three feet. It is very similar, in its mineralogical characters, to that of England and Ohio. It kindles very easily, even with a candle, as I have been told; burns very freely, with a brilliant white blaze, and with-

* Vide Mr. Foster's Engineer Report, 1833, page 73.

out emitting the black, sooty, and flaky smoke, like that which is given off by the coal of Pittsburg, Wheeling, and Brownsville. This cannel coal is very highly esteemed for domestic use, and very justly so. It makes a very brilliant and clear fire, with little smoke or dust, and is particularly adapted for parlour fires. I saw no sulphur in any of this coal. It is said to be found, however, in the mine, in lumps at the bottom of the bed of coal, but it is not disseminated, and is easily separated.

This cannel coal is mined with difficulty, on account of its hardness, and its breaking equally well in every direction. There are seams in this coal which divide it into blocks of several hundred pounds weight, but the miners cannot easily get them loose. It costs more to mine this coal than the common coal, and it ought to command a higher price in the market.

A coal bed, about 1 to 1½ feet thick, occurs in the bed of the Kentucky river, near Mr. Haddock's house. It is the common bituminous coal. It dips slightly, and disappears beneath the waters of Troublesome creek. Coal was observed in the valley of Frozen creek, but the seams are thin. Indications of coal were frequently seen in passing from Frozen creek to Hazlegreen, but the country is almost entirely in a state of nature, and impassable, except on foot or on horseback.

Coal is stated to be abundant near Hazlegreen, in all the hills. Thin beds of this combustible were seen in the beds of the creeks, but these were too thin to mine with advantage, except when they are laid bare on the streams, or require but little stripping. Much coal has been loaded into boats, and sent down the Licking, which was taken from the bed of the river, at low water, a little below West Liberty; and several places were seen, and others were mentioned to me, where the same has been done in the beds of the North and Middle Forks of the Kentucky. The expense of mining the coal in this way is very trifling. It is merely prying up so much rock, which is easily effected. At another place, near West Liberty, coal underlies the alluvial bottom a few feet, and a small expense of stripping, uncovers the coal; and each boat, for its load, removes an area of coal from the bed equal to its own area. Each boat carries about 3,000 bushels.

A coal bed was observed in the bank of the Elk Fork, three or four miles from West Liberty. It was about 1 to 1½ feet thick.

"Iron ore is first found in the vicinity of the river, at Ringo's Mill, 140 miles above its mouth. Ore beds of about four feet in thickness occur in the hills on the left bank, and extensive beds are found in the hills on the opposite bank, near Fox creek.

"The iron district, on Slate creek, was accurately described in the report of the Chief Engineer, last year, as also beds of it in the vicinity of Bear creek.

"My own examinations have led me to believe that the iron ore which occurs near the river from Cane creek to Beaver creek, at distances between 180 and 193 miles from the mouth of the river, is more abundant and of as good a quality as in any other part of the State. The ore is found in veins of from five to fifteen feet thick, near the basis of the hills, and in beds of from three to ten feet thick near their summits, and is found overlaying the stratum of limestone which has been above described.

"Iron ore is also found in most of the hills between Slate creek and West Liberty, and near McClure's mill, the beds are very extensive.

"The *coal district* on the upper part of the river was accurately described in the report of the Chief Engineer above referred to.

"My own examinations have led to the discovery of a number of veins which were not known to exist last year, but as yet none have been found of greater thickness than three feet two inches. One mile above the mouth of Blackwater, three veins have been discovered, overlaying the stratum of limestone which passes under the bed of the river at this place. The lowest one is 30 inches thick, and is separated from the limestone by strata of clay-colored slate of about fifteen feet in thickness. The next vein is eighteen inches thick, and is found in a plane about twenty feet high. The third vein is found about ten feet higher up the hill. The two latter veins are separated by strata of sandstone and shale. From Blackwater to West Liberty, veins of coal are found at almost every point where the mountain stream has washed the earth from its bed, and uncovered the rocks which compose the hills. Two miles above Blackwater, three veins occur in the same relative position as those last described; the lower one being three feet thick. One vein three feet thick is found opposite the mouth of Greasy creek, and in the vicinity of West Liberty two veins occur, which are three feet two inches thick. Thinner veins occur all over the country."* On the State road from Owingsville to the mouth of Big Sandy, the coal formation is observed to commence not far from the crossing of Tygart's creek. The iron ores at the base of this formation, were observed in the greatest abundance in the hill tops of the first divide of the western waters of Tygart's creek. Coal was seen cropping out on the road side about two miles from the cross roads, near Carter C. H., near a Mr. Carter's house. Coal in thin beds abounds in the vicinity of Carter C. H., and it is supposed that thick beds may be found by exploration. One seam of coal 3 feet thick, and of excellent quality, is worked near Carter's Salt works.† A coal bed is worked near Hon. David Trimble's, on Little Sandy, for the supply of the Argillite Furnace.‡ It consists of two seams of 18 and 24 inches, separated by 10 inches of slate; they are worked as one bed.

Of the coal of Greenup county, Mr. Eastin, of the State Engineers, remarks: "There is at all the furnaces, except Raccoon,|| owned by D. Trimble & Co., mines of stone coal; they lie below the iron and in the same ridges; the coal is highly bituminous, of second quality, but burns well, and is in large quantities; the engines at the furnace are driven with it, and it is used for all the purposes of the manufacture of iron except smelting. The coal beds vary in thickness from 2 feet to 3 feet 10 inches, and in all instances the drift or entrance to the coal has a declination of one foot in about 30. The strata above the coal is sand or slatestone, and under it slate and blue clay; the colliers can dig about 70 bushels per day each, and deliver it at the entrance of the drift. Its average cost per bushel, delivered at the engines, is from 3 to 7 cents."

The details here mentioned are brought forward to show merely, that if a casual glance, by rapidly traversing through the country, can exhibit such an abundance of coal deposits, we may expect much more to come to light by a careful examination.

* Vide Report of Mr. Buford, one of the State Engineers, page 95, 1137. †Idem, page 100.

‡ Idem, page 99.

|| Mr. Trimble has lately opened a fine coal bed near the Roccoon Furnace.

IRON ORES.

I have already had occasion to remark upon some of the iron ores of Kentucky. They are found in four different geological positions in the State.

The most recent is *bog ore*; it occurs in marshy grounds, and near mineral springs, which are more or less charged with iron. The waters of these springs deposit it as they lose the power of holding it in solution, either by evaporation, or by the extrication of carbonic acid.

This ore is not so common or abundant as the others.

The next in order, is the ore of the coal formation. It is in some places, clay iron stone, or carbonate of iron, in layers, or else in courses of nodules, in the shales and fine sandstones of the coal measures; in others, it is limonite, or hydrated peroxide of iron, in composition. The latter ore is very extensively used in the furnaces in Greenup county, where it is exceedingly abundant. It is known by the names of block ore, and kidney ore, according to its form. When it forms strata, it breaks out in rectangular masses or blocks, and when in courses of nodules, it comes from the ore bed in round lumps, from a pound to 100 pounds in weight.

Limonite, also, forms extensive beds in connection with the limestone at the base of the coal measures, which overlie the slate rock of Kentucky. It is extensively worked for furnaces.

The ore of the slate formation has been already described as a calcareous clay iron stone, or a carbonate of iron and lime.

There are, also, many beds of limonite, or hydrated peroxide of iron, at, or near the junction of the slate with the subjacent limestone.*

All the iron ores in the various geological positions above named, are worked for furnaces in some one or more localities, in different parts of the State. Iron ore is not confined to the coal district of Kentucky, but is diffused more or less abundantly in every section of the Commonwealth.

In the coal regions of eastern and western Kentucky it abounds, and can never be exhausted. It is supposed, from the observations already made, that on 12,000 square miles, there may be an average depth of one yard of iron ore, in the coal formation alone, without counting the slate and limestone regions, where there is probably as much more. Each cubic yard of this ore will yield, on an average, one ton of bar iron, or 5000 tons to the

* A fine example of this may be seen at the ore bed, near the Slate Furnace, about four miles from Owingsville. The ore, at the first glance, presents an appearance resembling confused and contorted stratification; but, on close examination, it is found to be owing to the close aggregation of a great number of huge geodes, with concentric irregular layers, each having a cavity in the centre. In many parts of the ore bed, the ore is a perfect ferruginous oolite, composed of an aggregate of small, spherical grains, of the size of mustard seed, cemented by a matrix of the same composition. The ore is limonite, or a hydrated peroxide of iron in chemical composition. Its junction with the subjacent limestone was not seen. It has been worked around the edge of the swell of ground of which it forms a cap, to the depth of 12 to 15 feet, without reaching the bottom, and many suppose it to be 30 feet thick. Estimating its thickness at 15 feet, every acre of this bed will yield at least 25,000 tons of bar iron. The area underlaid by this ore bed was not ascertained, but it is estimated that at least 20 or 30 acres exist there, and if we take the surrounding hills into account, which probably contain the same bed, there may be several hundred acres. This ore bed has been worked since the first settlement of Kentucky.

acre, or 3,200,000 tons to the square mile, or 38,400,000,000 tons on the 12,000 square miles, a quantity sufficient to supply a ton of iron, annually, to every individual in the United States, (estimating our population at 15,000,000 of people,) for 2,560 years.

Our ores too, instead of being accumulated in one mountain mass, like those of Missouri and Sweden, where but few furnaces can be supplied with the combustible necessary for their reduction, are spread over a great area of country, where the fuel, the water power, and every facility for manufacture, exists.

In the part of the State, on which the calculation is based, when the population shall become too dense to permit *charcoal* to be the reducing agent, bituminous coal, of the best quality, may be substituted and dug on the spot; it may be used without coking, as it does not cake and run together in masses which might clog the furnace, but each piece keeps separate, and forms porous lumps of beautiful coke. The coking takes place at the trundle head of the furnace, and the heat arising from the burning bitumen may be economized in heating a large air chamber, through which the tubes for the hot blast may pass. This method, in part, is already practised in the high furnaces, in the highlands of New York, where much wood is thrown in with the charcoal of the charge, and its blaze serves to increase the high temperature of the hot blast.

Charcoal-made iron, is better than that made with coke; but the period is believed to be not far distant when the coal formations of the valley of the Ohio, like that of South Wales, shall be illuminated by their iron furnaces, and that they will be the great workshops of our country.

The counties of Greenup, Lawrence and Scioto, bordering on the Ohio at the western outcrop of one of these formations, already show the fires of more than 20 furnaces, and these are considered only as the beginning of the iron business, in even this limited area.*

LOCALITIES OF IRON ORE.

Iron ore is said to abound in the hills on Rough creek. Maj. Dyer of Rumsey, who gave me this information, showed me a piece of lead ore (galena) from the same hills. A vein of this ore is said to occur there.

Traces of iron ore were observed in the hills between Lewisburg and Rumsey, and important beds may probably be found by a careful examination; also, near Lewisburg; also in connection with the coal beds at Vaught's mills on Pond creek. The lower ore bed consists of a bed of shale, with

* Hon. David Trimble made an able report to the last Legislature on the coal and iron interests of Kentucky, and to that gentleman I am under obligations for many interesting and important facts observed in the N. E. part of the State. I may here be allowed, also, to express, publicly, my sincere thanks to Sylvester Welch, Esq., chief engineer of Kentucky, for the aid he afforded me in the prosecution of my labors. He has not only been a close observer, personally, of the mineral resources of Kentucky, but has also given instruction to the corps of engineers of the State to make particular notes of the mineral products of the lines of surveys of streams, roads, &c. with measurements of the thickness, &c. of the different rock formations, and these are entered on the maps plotted in the Engineer's office. They will afford important aid in prosecuting the geological survey, should the Legislature authorize it.

nodules and thin strata of iron stone imbedded. It is exposed on the road side, about 20 feet above the lower coal mine. Ore was also observed in the decomposed shale above the coal mine above. It did not seem to be sufficient in quantity to justify exploration. This ore was mostly limonite, and some of the masses contained some blende.

Iron ore abounds in the hills 5 miles S. E. of Greenville, near Buckner's Iron Works, in Muhlenberg county. Some of the beds are very thick, and, undoubtedly, they are extensive. One of Mr. Buckner's ore beds is 15 feet thick. Mr. B. has another heavy ore bed, the ore of which is oolitic, and filled with fossil shells. The latter bed I did not see, although I saw specimens of the ore, which is limonite, and appears like an easy working ore. Indications of iron ore were seen in the hills about Greenville, and on the road from that place to Glasgow, in many places.

Argillo calcareous carbonate of iron, or clay iron stone, abounds in the slate hills east and north of New Haven in Nelson county. It occurs in balls, nodules, and layers, in the slate, and this rock is here interstratified with the limestone. Where the slate formed the caps of the hills, and has decomposed into clay, the balls and nodules of ore lie upon the surface, or in the soil, varying from a few pounds to a ton in weight. They are also frequently found in great numbers in the ravines, where the water has washed and crumbled away the slate leaving them unchanged. They are heavy, gray in the inside on a fresh fracture, and brownish on the outside. This ore is extensively used for making iron in the Nelson Furnace.

About 2 or 2½ miles from New Haven, on the grade of the new turnpike, the ore was seen in its natural position in the slate rock, which was partially decomposed, and the nodules already beginning to tumble out. The hills had been cut down to form the grade only a year or two, yet the rock was in a state of rapid disintegration, and crumbling to pieces to form a clay.*

Iron ore in small quantity was seen 13 miles from Bardstown, on the turnpike towards Louisville.

Near Frankfort, on the hills, small nodules of iron ore were observed, but there are no apparent indications of its existing in such quantities as to be of any importance.

About one and a half miles from Standford, on the road to Danville, large masses of iron ore, like bog ore, were observed by the road side. They had been dug up in excavating for the grade of the turnpike. It was not ascertained whether it existed in large quantities. At a salt lick about 1½ miles from Standford, iron ore is said to occur.

Slate was seen interstratified with the limestone a mile or two from the foot of Muldrow's hill, on the road from Standford to Somerset, and iron ore was seen near the same place. It appeared from the surface indications, to be rather abundant, but whether it exists in any valuable quantities is not known, and is a fair subject of investigation.

*This material, slate, may, without doubt, be usefully employed as a stimulant manure, or as a marl to many of our soils. It possesses several of the requisites of a good marl, viz: it crumbles readily by exposure to the weather and frost, and it contains calcareous matter mixed with the argillaceous material that forms its base; and besides, it was observed in several places to contain veins of crystallized sulphate of lime or gypsum. It also contains pyrites and lime, which, by decomposition of the rock, will form gypsum, which is well known as an important mineral manure for clovering, as a preparation for other crops.

Indications of iron ore were seen about three miles from Somerset, on the road to Standford.

A layer of brown oxide of iron, (limonite,) analogous to the more compact varieties of hematite, of about one foot thick, was seen about 1 or 1½ miles from Stigall's ferry, on the road from Somerset to Monticello. It is in Wayne county.

In the hills, bordering the South Fork of the Cumberland, indications of iron ore were seen. The ore was of fine quality, and easy to smelt, but the quantity could not be ascertained without minute explorations. Mr. Snyder, the Engineer, who made the survey of the South Fork of the Cumberland, in eighteen hundred and thirty seven, found small quantities of ore in many places. He was told that extensive beds had been discovered about eight miles above the mouth of this stream. Should these beds be ascertained to be extensive and of good quality, as well as those indications which I observed in that vicinity, they would be valuable, as there is every facility for manufacturing iron with advantage. There is an abundance of water power in the river, and besides, there are several limestone springs that have an abundance of water for carrying all the machinery for iron works, and located on the immediate banks of navigable streams. Furnaces might be erected next the face of the vertical limestone cliffs at Beauty's, and at Long's, and have the trundle head at the general level of the country, and with a fall of water between the springs and river, sufficient to be used twice over, on wheels of the largest kind; while the pigs of iron could be slid directly to the boats below. As to fuel, wood and coal are in great abundance and near, and limestone for a flux, in inexhaustible quantities, forms almost all the cliffs of the river banks for miles.

Iron ore, in considerable quantity, occurs at Blue Lick, and Joe's Lick, in Madison county. These licks result from the disintegration of the slate rock into a clay, which is frequently incrustated, in dry weather, with a thin incrustation of saline matter, which has, in some places, the taste of alum, in others of copperas, or sulphate of iron. Cattle and wild animals resort to these places to lick and eat the clay. The iron ore occurs in layers, and courses of nodules in the slate rock; and as the slate crumbles away by the action of the weather, and by the crystalization of the saline matter, the masses of iron ore tumble down the slopes, and are thickly strewn on the naked barren surface of the lick. In some places, these masses of iron ore are gradually crumbled down also into a gravel by scaling off in concentric coats, in consequence of a change of composition, and the action of the frost; in others they change colour on the exterior, from a blueish grey to reddish brown, and remain unchanged. It is thought probable, that investigation may demonstrate, that such an abundance of the ore exists naked on the surface, and in the ravines, as to justify the erection of iron works in this vicinity, should the demand, or means of transport render it expedient. This ore resembles a hard, compact, bluish grey limestone, but its weight is so great that the close observer will not be deceived. The people of the vicinity with whom I conversed, did not know it was iron ore. This ore is perfectly similar to that observed near New Haven, and it abounds through all the slate region of Kentucky. It has the same geological relations as the nodules of septaria of the same slate rock in Ohio, only, the composition is changed. In Ohio, these nodules or round masses in the slate, are a carbonate of lime containing some carbonate of iron. In Kentucky, they are carbonate of iron, containing some carbonate of lime. It is

the kind of ore that is called in some parts of Kentucky "limestone ore."— This term, however, is also used for ores that are different in aspect, and from a different geological position, viz: in the rocks of the coal formation.

The same calcareous iron ore as that at the Blue and Joe's Licks was seen in a great number of places in the valley of Red Lick Fork, on the route from Joe's Lick post office to Irvine. Throughout all these hills, the slate containing this iron ore, underlies the limestone, and this the conglomerate of the coal formation, which caps the highest hills.

The slate hills about Irvine, and particularly between Irvine and the Forks of the Kentucky river abound in the same ore, and it is thought that research may here discover enough to justify the erection of furnaces and forges. Wood and coal are abundant and cheap, and water transport convenient.

Iron ore, similar to the common brown iron stone, (limonite,) called "limestone ore," was seen in some abundance near the junction of the limestone and its superincumbent sandstone and conglomerate about 13 or 14 miles from Irvine.

Frequent indications of iron ore were observed after reaching the hills of the coal formation near the Forks of the Kentucky. It is not ascertained whether workable beds of ore occur there. As iron ore abounds along the western limit of this coal field across Ohio, and a part of Kentucky, it is highly probable that geological research would point out the particular locations of the beds in the other parts.

Iron ore is said to abound near Hazlegreen. I saw slight indications of it in many places, and it may, probably, be abundant.

Iron ore was observed in the hills in several places on the route from Hazlegreen to West Liberty, and it probably abounds.

On the road from West Liberty to Owingsville, and between the former place and Yoakum creek, on the ridge along which the road passes, great quantities of iron ore were observed. The place where it was seen most abundantly, is from 7 to 10 miles from West Liberty. It was limonite in various states of aggregation. It corresponds in geological position with some of the thick beds of similar ore in the north part of Kentucky and in Ohio, viz: above the conglomerate and sandstone rocks, and below the coal beds that are generally wrought. As far as surface indications are to be trusted, the bed varies from 2 to 8 feet thick.

Mr. Utterback, who lives near the junction of Yoakum creek with the North Fork, told me that all the hills tops above the limestone,* abounded with iron ore. From the geological character of this vicinity, the conclusion may, perhaps, be drawn, that the ore bed above the sandstone conglomerate, must form the caps of many of these hills, while that which lies above the limestone, and below the sandstone conglomerate, must be found in the caps of the hills several miles to the westward. In fact we

* Geological section, showing the order of superposition :

1st. Coal formation, embracing the usual rocks.

2d. Conglomerate and sandstone, abounding in nitre, grottos, and rock houses.

3d. Limestone, cavernous, abounding in springs, with few fossils.

4th. Fine grained sandstone.

5th. Slate abounding in layers and courses of nodules of iron ore.

6th. Great limestone abounding in fossils.

found this to be so the next day, when travelling to the north west towards Owingsville. This ore is limonite, in various states of aggregation. Mr. Welch, the Chief Engineer of Kentucky, has been a close observer of the geology of this part of the State, and he informed me that these ore beds are found in nearly all the knobs to the foot of the Narrows of the Licking. The Narrows commence a few miles below West Liberty, and continue down the Licking below the North Fork. They seem to be caused by the physical characters of the contiguous rocks. The conglomerate sandstone, which is the base of the coal formation, emerges at the level of the river, a few miles below West Liberty, and gradually attains a greater elevation, forming the hill tops about Yoakum creek and the North Fork. This rock, as well as the subjacent limestone which is seen in the valleys, is wasted away with difficulty by the weather and the action of water, and these rocks, or their equivalents, form cliffs and precipices along almost the whole boundary of the coal formation in Kentucky and Ohio. The same cause would prevent the formation of wide bottoms along the river, as there are undoubted evidences, that almost all our valleys have been formed by the action of running water, and the crumbling action of the weather. At the lower end of the Narrows, the slate rocks emerge from below the slaty sandstone that underlies the limestone, and here the valley widens and gives broad and beautiful bottom lands. The slate rock crumbles rapidly away into clay by exposure to the weather, and most of the earth resulting from its disintegration, is removed by the action of water. The broad and rich alluvial valleys of the streams in the slate region, are undoubtedly due to this wasting action of the weather on these rocks. The slate rock gradually attains a higher elevation in the hills to the westward of the Narrows, until, near Gill's mills, it is 100 to 200 feet above the river. The calcareous iron stone which has so frequently been mentioned as occurring in the slate rocks, was observed to abound in the cliffs along the Licking. In one cliff, on the bank of the river, the slate was crumbling rapidly away, and the slope was thickly strewn with blocks and nodules of the ore which had slidden down from their original position.

Three distinct courses of nodules were observed in the hill, within a thickness of 40 feet. One of the layers of ore was at least one foot thick, and was of good quality. The abundance of the slate ore, together with the ores of the limestone and conglomerate of this region, must, before many years, cause the erection of numerous iron works. Sandstone for the stacks and hearths, slate for the inn walls, coal and wood for the combustible and steam power, limestone for the flux, a variety of ores for mixture with each other, and water transport, which are necessary elements, are all combined in this region, and point with perfect certainty to the future wealth, and to the kinds of industry that will employ its population.

A furnace is being erected, or may perhaps now be in operation, about one and a half miles from Gill's mills, on the road to Owingsville. It is supplied with ore from the vicinity. The ore lies on the limestone, and just beneath the surface. Its extent is not known. It is stated to be from one to four feet thick. It is a limonite, which seems to have lost a part of its water of combination. It is reddish brown, compact, earthy, columnar, and of various imitative forms.

Iron ore was seen abundantly about ten miles from Owingsville, on the road to Gill's mills. It is visible in many of the hills.

N. B. Buford, Esq. one of the State Engineers, in his report, says—

“Iron ore is first found in the vicinity of the river, at Ringo’s mill, 140 miles above its mouth. Ore beds, of about four feet in thickness, occur in the hills on the left bank, and extensive beds are found in the hills on the opposite bank, near Fox creek.

“The Iron district on Slate creek was accurately described in the report of the Chief Engineer last year, as also the beds of it in the vicinity of Beaver creek.

“My own examinations have led me to believe that the iron ore which occurs near the river, from Cane creek to Beaver creek, at distances between 180 and 193 miles from the mouth of the river, is more abundant, and of as good quality, as in any other part of the State. The ore is found in veins of from five to fifteen feet thick, near the bases of the hills, and in beds of from three to ten feet thick, near their summits, and is found overlaying the stratum of limestone, which has been above described.

“Iron ore is also found in most of the hills between Slate creek and West Liberty, and near McClure’s mill the beds are very extensive.”*

The bed of iron ore near the Slate Furnace, has already been described. Its geological position is on the fossiliferous limestone, which underlies the slate rock so often mentioned. It is therefore lower, in geological position, than any of the other great iron deposits of the State. These are—

- 1st. Bog ore, which is of limited extent, and local.
- 2d. The various ore beds of the coal formation.
- 3d. The ore bed between the conglomerate and the cavernous limestone.
- 4th. The calcareous ores of the slate formation.
- 5th. The ore bed between the slate and the fossiliferous limestone.

Iron ore was seen in small quantities, near the junction of the slate with the lower or fossiliferous limestone, a few miles from Owingsville, on the road to the mouth of the Big Sandy river. It was limonite.

The nodular calcareous ore was seen in the slate cliffs, on the banks of the Licking, and of Triplett’s creek, in several places, from six to eighteen miles from Owingsville.

Iron ore was observed abundantly in all the hills of the first divide of the western waters of Tygart’s creek. This includes the bed below the conglomerate, and also those above the conglomerate, at the base of the coal measures. From this region, to the mouth of the Little Sandy, almost every hill that was examined was found to contain iron ore, in the greatest abundance. It lies in beds parallel to the strata, which dip very slightly to the east and east-south-east, with a variable thickness of from one inch to several feet. The resources of this region, in this mineral, are perfectly inexhaustible. Several furnaces are already in successful operation, and the time cannot be far distant, when it will be considered one of the most valuable iron districts in the country.

* Engineer’s Report, 1837—page 95.

STATEMENT of Blast Furnaces and Forges in the State of Kentucky, extracted from the Report of the Honorable D. Trimble to the Legislature of Kentucky, at the session of 1837-'8, page 20.

OWNERS' NAMES.	Names of Furnaces in Greenup Co.	Tons of metal per annum.	Charcoal per ton, in bushels.	Tons of ore per ton of metal.	Forges in Greenup.
Shreve, Paul & Co. -	Bellefonte, - -	1200	283	2.72	1
Shreve, Poage & Co. -	Amanda, - -	1000	283	2.80	
Trimble, Woodrow & Co	Raccoon, - -	1300	280	2.50	
D. & J. Trimble, -	Argillite, - -	800	280	2.50	1
Wm. Ward, - -	Hopewell, - -	600	280	2.50	1
G. W. Darlington, -	Globe Furnace, -	600	275	3.00	
M'Coy, Poage & Co. -	Clinton, - -	950	260	3.15	
Stewart, Greene & Co.	Caroline, - -	750	300	2.75	1
Do. do. - -	Kentucky Steam,	650	300	2.75	1
Cuddy, Lathrop & Co.	Oakland, - -	600	300	3.50	
Ward & M'Murtrey, -	Pactolus, - -				

The quantities of metal made at the following furnaces and forges is not known.

OWNERS' NAMES.	COUNTIES.	Furnaces.	Forges.	REMARKS.
Robert Wickliffe, -	Bath, - -	1	1	Calcareous oolitic limonite; oldest fur. in the S.
Jackson & Wheeler, -	Estill, - -	1	1	Valuable works.
John H. Baker, - -	Bullitt, - -	2	1	One rolling mill on Salt river.
Miller & Irvine, -	Nelson, - -	1		
Holderman's heirs, -	Green, - -	-	1	
Do. do. - -	Hart, - -	1		
Harrison & Co. - -	Green, - -	1	1	
Buckner, Churchill & Co.	Hart, - -	1		
Buckner & Churchill,	Muhlenburg, -	1	1	
-----, -	Bath, - -	1		
Total, - -	- - -	21	11	

SLATE.

The slate rock and its valuable mineral contents, such as iron ore, mineral springs, salt licks, &c., have been frequently referred to. This rock, and its sub-jacent limestone, which has been described as the "great limestone," are the rocks that underlie most of that portion of the State called the garden of Kentucky. The character of the country underlaid by this rock varies very greatly, according to its thickness above the limestone, and the contiguity of large streams. Near the rivers, the country underlaid by the slate is very broken, in consequence of the tendency of this rock to crumble by exposure to the weather, while the rills and streams wash it away, and thus cut down deep and narrow valleys. At a greater distance, where the drainage is not so rapid, it forms level, fine lands, of the best quality. The soils resulting from the mixed fragments of the slate and limestone, are not excelled in fertility, probably, in any part of our country.

The slate contains pyrites in many places, and by the decomposition of the rock, and of this mineral, copperas and alum are formed, and it is not improbable that localities will be discovered, where these materials may be manufactured with profit for commercial purposes.

The slate frequently contains small quantities of gypsum, and this material is frequently formed by the combination of lime from the rock, and sulphuric acid derived from the decomposition of pyrites. The decomposed slate rock is well adapted in many parts of the State for use as a mineral manure, and it cannot be many years before it will be extensively employed for this purpose.

NITRE. SALTPETRE. NITRATE OF POTASSA.

This substance has been made in considerable quantities in Kentucky, but it is believed that but little is now manufactured, although there are abundant means. The nitre occurs in two different geological situations in Kentucky, viz: in the cavernous limestone, and in the superincumbent conglomerate.

In the first, it is found in the earth of the caverns, in the form of nitrate of lime, and perhaps other nitrates, which are decomposed by leaching the ley from these earths through wood ashes. The nitrates are thus converted into nitrate of potassa, which is called nitre or saltpetre. The nitrates in the caverns are sometimes in an unctuous clay, which, when wet, becomes very plastic, and from which water will separate but a small quantity of the nitre. This is the most difficult to work.

The "nitre" of the conglomerate sandstone above the limestone, is frequently a nitrate of lime, which requires the addition of wood ashes or of potassa, before the nitre of commerce can be procured. The situations in which the nitrous earth is found, are very striking. This kind of sandstone forms precipitous ledges of rock, which frequently overhang their basis, along almost the whole of the western edge of the coal formation of Kentucky and Ohio. The rock crumbles away below, by the crystalization of the nitrous particles, and these, with the sandy grains fall below. The rock overhangs its base, and grottos of greater or less extent are formed. Some have been seen from 100 to 300 feet in length, and with the rock overhanging from 10 to 40 feet.

The earth beneath them is more or less impregnated with nitre, and even the rock seems sometimes cemented by it.

These grottoes are commonly, and very appropriately, called rock houses. They afford a fine retreat for wild and domestic animals during storms, and not unfrequently the traveller makes his camp in them.

Rock houses and nitre deposits are also found in the sandstones of the coal formation, but they are not so numerous as in the conglomerate sandstone at the base of the coal series.

MINERAL SPRINGS.

The mineral springs already known in Kentucky, are numerous and important, and to many of them a high value is justly attached. Others, that are known to the inhabitants of the vicinity, are not generally appreciated as they would be, were they brought properly before the public. All the mineral waters of the State, as well as the various mineral substances, that may be of scientific or economical interest, ought to be carefully analyzed by an analytical chemist of the highest attainments, in whose results the most implicit confidence can be reposed. The results of such investigations would, undoubtedly, tend to improve the modes of application of some of our materials, and introduce more perfect methods in the manufactures of many of the mineral products. The purification of salt waters, the grain-ing of salt in the form of alum salt, and improvements in the iron manufacture, may be anticipated as results to be derived from such investigations. Of all our mineral springs, the salt springs are of more economical importance than all the others. They are numerous, and already furnish large supplies of salt for the consumption of the State. They do not seem to be confined to a particular geological position, as has been supposed the case in some other States, but the brine is found in the coal measures, and in the subjacent slate and limestone formations, of such strength as to warrant the manufacture of salt, where there is a sufficient demand, or means of easy transport.

I have not yet been able to procure the details to show the statistics of the salt manufacture of Kentucky, but it is estimated that from 500,000 to 1,000,000 bushels of salt are made annually at the different salines of the Commonwealth. The salines on Goose creek, near Manchester, alone, manufacture about 200,000 bushels per annum.*

Burning springs and gas springs are not uncommon. Of the former, the petroleum (which is the oily scum that is inflammable) is occasionally saved, but it ought to be made a business to save this material for commercial purposes. It is applied to several uses, and commands a high price in the eastern markets. Many hundred, and probably many thousand, barrels might be annually collected at the different springs in the State, and would produce an amount worth noticing as one of our mineral products.

The gas springs are also not uncommon. Those evolving carburetted hydrogen, which takes fire and burns with a white flame, are most numerous, and are capable of useful applications. They are natural "gas works," and in New York some of them are already economized, so as to light villages, light-

*Mr. Snyder, Engineer, Report of Kentucky, 1837, page 124.

houses, &c., and they might, also, where abundant, in connection with salt springs, be economized in boiling salt, or for warming houses, and a variety of other purposes.

The more common mineral springs, such as chalybeate springs, sulphur springs, &c., are numerous, and many of them are known, although few are appreciated. They are natural medicinal everflowing fountains, appointed by an allwise Creator to cure, or allay many of the diseases incident to the climate, and as the country becomes more densely peopled, they will, doubtless, be more fully appreciated. Some, as the Olympian springs, Harrodsburg springs, &c., are already the annual resort of the invalid, and of much of the wealth and fashion of the country.

None will be mentioned in this report that have been before made known.

A copious chalybeate spring was seen on the left bank of the North Fork of the Kentucky, about $1\frac{1}{2}$ miles above the mouth of Troublesome creek.

Another was seen within 100 yards of Mr. Haddock's house, near the mouth of Troublesome creek.

A small chalybeate spring was seen at Joe's Lick.

Chalybeate springs are particularly numerous in the slate region of Kentucky, and many of the more noted licks are in this rock.

LIMESTONE.

This rock underlies a large portion of the State, and in different parts, gives great variety to the physical aspect of the country, as well as the agricultural character of the soil. The limestones of Kentucky are as various in their appearance, and fossil and mineral contents, as in their geological position.

The principal masses of limestone rocks occupy three distinct geological positions in this State. They are all more or less fossiliferous, containing the remains of marine animals. They are—

- 1st. The limestone beds in the coal formation.
- 2d. Cavernous, below the conglomerate and above the slate rock.
- 3d. Great limestone below the slate.

1st. The LIMESTONE BEDS OF THE COAL FORMATION are not very thick, but are adapted for building, for lime, for a flux with ores in the iron furnaces, and in some places, perhaps, for an ornamental stone or marble.

2d. The CAVERNOUS LIMESTONE occupies an extensive area, and its general limits may be understood by remarking, that it is the rock under the "Barrens" of Kentucky. These Barrens were so called from the fact that no trees grew there, while the other parts of the State were overshadowed by a dark forest of heavy timber, and covered in many parts by an almost impenetrable cane brake. The Barrens were covered with a growth of fine grass. The subjacent limestone is so cavernous, that almost all the water sinks into the caves and fissures of the rocks, and flows in streams beneath the surface, which occasionally emerge and soon sink again to renew their subterranean course. Water is rarely seen, and it is often exceedingly difficult to procure it, even for ordinary domestic uses. The soil is highly productive, and nothing tends so much to prevent its occupation, and productive and extensive tillage, as the want of an abundant supply of water for domestic uses, and

for farm stock. It is believed, after examining the country, that this defect may be remedied to a certain extent, and perhaps entirely, by boring artesian wells in the same way as salt wells are bored. It is believed that the water will probably rise to, or near the surface, and perhaps overflow in many places, so as to supply perpetual springs, which will be as valuable as the natural ones. Should the augur pass into any fissures of the rock during the boring, it would be necessary to tube the well below that point, and have the tube fit so closely, that there would be little leakage.

The reason that the Barrens were not covered with timber, is supposed to have been due to the dryness of the soil, and the sweeping of the prairie fires over them annually, thus scorching and destroying the tender shoots of the young trees that might yearly spring up. It is still so in the great western prairies, in which the prairie fires annually sweep over almost the whole of the open country, where the soil is not so wet as to arrest the progress of the fire, and there no trees are to be found, except in the vicinity of such wet places.

Since the settlement of Kentucky, the prairie fires (which were often made for the purpose of driving out the game,) have ceased, and the Barrens are now covered by a thick growth of timber, where they are not occupied as farms.

This limestone, which I have called the cavernous limestone, occupies an area of some 5,000 to 8,000 square miles in Kentucky. In most places it makes lime of a superior quality, and it will be used in future to a much greater extent than it has been, not only for mortar, but for supplying lime to the soil, as a mineral manure.*

This limestone is, also, well adapted for use as a building stone, and in some places for a variegated and clouded marble.

A stratum of silicious matter which varies in its texture from a hornstone to a porous material like buhrstone, is found in many places in the cavernous limestone. The compact variety of this material was long used by the early settlers for flints for their rifles. Another form of it is used for hones. The coarser varieties are frequently seen of such a quality and texture, as to fit them for millstones. The localities of these materials are frequently called flint knobs, and their surfaces are thickly strewn with silicious masses. However repulsive such lands may appear for agricultural purposes, they are found to yield fine crops, to repay the husbandman for his labor.

3d. The GREAT LIMESTONE as I have called it, from its extensive distribution, not only in Kentucky, but over a great area of the western country, is more slaty as a mass, than the cavernous limestone, and abounds in fossils. Many of its layers disintegrate on exposure to the weather, and form a soil of almost unequalled fertility. Fossil shells abound in the soils resulting from the decomposition of this rock, and may be collected in great

*The importance of liming soils that have been long cultivated, is beginning to be appreciated in the New England States, and in New York, New Jersey, and Pennsylvania. Some millions of bushels are consumed annually in those States, as a mineral manure, and the limestone beds where they are near water transportation, have become very valuable. They are sold at from \$100 to \$1,000 per acre. The manufacture of lime, for agricultural purposes, has there become an important business.

numbers.* The general aspect of the country, underlaid by this rock, is level or gently undulating, and covered with heavy crops where it is cultivated, and by a dense forest where the land is wild.

Many of the strata of this rock make good lime.† Some of them seem to be adapted to the manufacture of hydraulic cement; some of them make a beautiful building stone; some are clouded, and would make a fine marble, and some of them seem to be of uniform texture, and sufficiently compact for lithography. These varied uses of this rock must, at no distant period, give employment to many people and much capital. and the sooner the important locations, for these various branches of business, shall be discovered, the sooner may the citizens of Kentucky expect to reap the benefits to be derived from such developments of the mineral resources of the State.

The citizens of Kentucky, as a body, are agriculturists, producers of a *single kind*, and as a consequence, the mass of their products must seek a distant market. It is necessary for the interest of the State, that the citizens should be more nearly equalized in their relative numbers, all of which should be producers in their respective occupations. More iron masters and colliers are needed, with their numerous dependents; more manufactories of every kind, for which there are the greatest natural facilities to produce the varied materials required for the comfort, convenience, and necessities of the population, and to furnish a *home market* for a large share of the agricultural products.

Land in many parts of Kentucky is sold for a small fraction of its value, and frequently far below its worth for agricultural purposes. The advantage is altogether on the side of the buyer of landed property, not only in Kentucky, but in most parts of the United States. The land is valued, bought and sold according to its location and agricultural productiveness, regardless of its mineral wealth, which is often of far greater importance. A gentleman in Henderson informed me that he sold several hundred acres of land, on the Green river, underlaid by a bed of coal three feet thick, perfectly accessible, for fifty cents per acre. He did not realize until told, that by making a liberal allowance for waste, and allowing a profit of one cent only per bushel, it ought to have given him a clear profit of \$1,000 per acre. Similar instances might be multiplied, but a single example will suffice to illustrate the value of our mineral deposits, where they are accessible to cheap transport.

*Among these are several species of the *Productus*, *Spirifer*, *Terebratula*, *Pentamerus*, *Encrinurus*, *Pentremite*, *Eschara*, *Cyathophyllum*, *Turbinolia*, *Fungites*, *Millepora*, and many others which will be specifically noted and described during the progress of the geological survey, should the Legislature authorize it.

†Geodes of quartz are very abundant in a part of the great limestone. They occur in a particular layer of the rock and as this disintegrates, they remain in loose masses. The surface of the country where this stratum emerges, is thickly strewed with them. They are generally hollow, lined with chalcedony or agate, and with crystals of quartz, amethyst, or calcareous spar, and they vary in size from a grape shot to the heaviest bomb shells. Beautiful specimens of the abovementioned minerals may be procured. They may be applied to use as ornamental stones and gems.

Among the minerals found in veins in this limestone, sulphate of baryta, carbonate of baryta, galena, and fluor spar may be mentioned, but no veins of such a size as to warrant mining, have yet been observed.

In some parts of Europe, the mineralogical and geological survey of estates is considered as important as the ordinary survey to ascertain the number of acres. A long period cannot elapse in the United States, before a knowledge of the mineral products, or the probability of mineral wealth, of particular kinds, beneath the soil, will be considered necessary in the valuation of landed property.

RESULTS TO BE ANTICIPATED FROM THE SURVEY.

Should the Legislature see fit to authorize a geological and mineralogical survey of the State of Kentucky, it is believed that if it be executed in the manner contemplated, it will result in appraising landed proprietors of resources in mineral wealth, of which they are now ignorant; enable them to appreciate and profit by those already known; inform the people what particular mineral substances may be expected in the various sections of the State; indicate the best means of searching for them, and recognizing them when found; tend to encourage mining enterprizes, where there is a certainty of success, and to repress and expose their fallacy, where there are not sufficient indications to justify expenditure; diffuse the various kinds of knowledge necessary in mining and metallurgic operations; attract public attention to the mineral wealth of the State; cause an additional influx of population and capital, to extract the mineral substances for use, and transport them to a market; raise the value of lands far above their present value; and, finally, it will give an additional impulse to the enterprize and industry, which are, even now, adding millions to the wealth of the community.

Another effect consequent upon the preceding, will be an increased demand for subsistence, for mechanical and professional labor of every kind, and all the necessities and wants of civilized life, giving a tone and vigor to every branch of business.

The beneficial effects of such surveys are already felt in the various States that have authorized them, the impulse is given, it is progressive, and no State can long consent to remain with her natural resources hidden and unknown, when the expenditure of a few thousands of surplus capital, will return millions to her citizens.

W. W. MATHER,
Geologist and Mining Engineer.

JACKSON C. H., JACKSON COUNTY, OHIO,
December 28th, 1838.

APPENDIX.

In the preceeding *Report*, the reconnoissance of the mineral districts of Kentucky, and the results that are likely to flow from a prosecution of the Geological and Mineralogical survey of the State have been discussed. In order to conform to the joint resolution of the General Assembly of the Commonwealth, in relation to the Geological survey, it is necessary for me to submit a plan for conducting the survey, and estimates of the amount of funds necessary to execute it.

PLAN SUGGESTED FOR CONDUCTING THE SURVEY.

1st. That the Governor appoint a Chief Geologist, who shall have the general charge and supervision of the Geological and Mineralogical survey of the State.

2d. That the Geologist report annually, on or before the 1st of February to the Legislature, the economical results of the survey, in order that the people may reap some of the benefits during its progress.

3d. It shall be the duty of the Chief Geologist to have all mines, quarries, mineral beds, ores, &c., examined during the progress of the survey, if application be made by their proprietors, and to give an opinion, on consultation, as to the probable success of working any particular mine, mineral, quarry, &c.

4th. The Chief Geologist shall prepare a geological map of the State, after the completion of the field duties of the survey, with suitable sections, diagrams, &c., to illustrate the general geological structure of the State; and he shall, also, prepare a detailed report after the completion of the survey, calculated to describe and illustrate the geology and mineralogy, both economical and scientific of the State, together with the results of the analyses of such minerals, ores, salts, soils, mineral waters, &c., as shall have been analyzed during the progress of the survey.

5th. That the Chief Geologist be empowered to employ such persons to assist him in the varied duties of the survey, as may be most conducive to its rapid and perfect accomplishment, and that he prescribe their duties, and have them accountable to him for their faithful performance.

6th. That an appropriation of \$12,500 per annum* be made for four years, to complete the Geological survey of the State. This amount is deemed sufficient, while the disbursement of a less amount would tend to cramp the operations of the survey.

7th. That the funds be paid by the Treasurer of State, on the order of the Chief Geologist, specification being made to whom, and for what purpose, it shall be paid.

W. W. MATHER,
Geologist and Mining Engineer.

* As the details for the execution of the contemplated geological survey, are not specified above, I will proceed to give them, lest some should think the above amount a prodigal expenditure; and prefix to the organization proposed, a sketch of the organization of the geological boards of some other States. The Geological Board of the State of New York, of which I have the honor to be a member, was the first that was organized with a view to a *complete survey of a State in all its natural resources*. This Board is composed of eight persons, each the head of a separate department, viz: one Botanist, 1 Zoologist, 1 Palaeontologist, 1 Chemist and Mineralogist, and 4 Geologists.

The Botanist is charged with a botanical survey of the State, and his duties involve not only a description of all the plants of natural growth, but also every thing connected with the best modes of culture and of obviating the various diseases of plants, and particularly those that are extensively cultivated as grains, fruits, and esculent roots.

The Zoologists duties, involve a description of all the animals, insects, fishes, shells, &c., of the State, with the best modes of rearing and breeding those that are useful, and of destroying, or obviating the effects of noxious insects, which frequently, from a lack of knowledge of their species and habits, disappoint the hopes of the agriculturist, by destroying or injuring his crops.

The duties of the Mineralogist and Chemist, involve a description of all the localities of the various minerals of the State, with their uses and practical applications, and also, an analysis of all the minerals, mineral waters, soils, &c., with a view to improve modes of application, manufacture, or cultivation.

The Palaeontologist, is charged with the examination of all the fossil remains and petrifications found in the rocks of the State. This might seem to many a matter of little *practical* importance,

GLOSSARY OF WORDS USED IN THIS REPORT.

Alluvial. The adjective of Alluvium.

Alluvion. A synonym of Alluvium.

Alluvium. Recent deposits of earth, sand, gravel, mud, stones, peat, shell banks, shell marl, drift sand, &c., resulting from causes now in action. This term is generally applied to those deposits in which water is the principal agent.

but it has, notwithstanding, an important bearing in tracing out the deposits of particular minerals of great economical value, and the want of the results of the labors in this department of geological science, has, in several parts of the country, led to the expenditure of thousands upon thousands of dollars, in fruitless research after particular mineral substances, where the observations of the practical geologist, aided by the palaeontologist, would at once say, there was not the least probability of finding the objects of their search.

Each of the four Geologists has charge of the investigations over his particular district, which embraces about one fourth of the area of the State. He examines county by county, observing and examining all the rocks, minerals, soils, springs, every thing natural that is inanimate; traces out the mineral deposits, rocks, quarries, mines, marbles, peat, marl, and their extent; estimates the quantity, facilities for working and mining, transport to market; and, in fact, every thing that may render them available and valuable to their owners; and he informs the owner of his discoveries on his estate, before any information upon the subject is communicated to any other individual; and, finally, at the close of each season, the economical results of his examinations are communicated to the Legislature, through the Governor.

The Geological Board is organized upon the principle of division of labor, by which each head of a department of the survey shall confine his observations to a limited sphere of inquiry, and thus be enabled to carry out the details of his department, with a much greater degree of perfection, that if his attention was diverted by many branches of investigation.

There is but one fault in this organization. The geological branch has no head, and there cannot, under such circumstances, be that unity of design, and perfection of execution, that there would be under the mode proposed.

The vote authorizing the Geological survey of New York was unanimous, and an appropriation was made, of \$104,000 for its execution. Nearly \$80,000 of this sum is believed to have been expended.

The organization of the Geological Board of Ohio, scarcely differs from that of New York, except that there is a head, styled the "Principal Geologist," who has the general superintendence of the survey, and who gives unity and concert of action in all the details of its operations. There is, however, a Topographical Engineer attached to the Board, whose duty it is, under the direction of the Principal Geologist, to execute a survey, and make a complete map of the State, as a basis for an accurate geological map, which shall shew the extent and distribution of each of the rocks, minerals, mines, quarries, mineral springs, &c. &c. of the State. The only defect in this organization, is, that the assistants deriving their appointments and commissions from the Governor, that system of accountability, control and efficiency, cannot be attained, that is so desirable for the rapid and perfect execution of the survey, and that could be, if they were selected by, and dependent on, the head of the Geological Board.

Ohio made an appropriation of \$12,000 in 1837, and a bill is now reported for an annual appropriation of \$12,000 for the continuance of her Geological survey.

Pennsylvania is having a Geological survey executed, and the organization of her Board is upon nearly the same basis as that which I have suggested. A Chief Geologist is appointed and commissioned by the Governor. He superintends and directs the general operations of the survey, examines with the assistants the more important points, and gives tone and vigor to every part. The assistants are selected and appointed by him, and so it should be, for he alone is responsible for the faithful execution of his trust, and a man of reputation, will, of course, select for assistants, only such as are well qualified to discharge the various duties of the survey. Pennsylvania has, it is believed, appropriated \$20,000 per annum for her Geological survey.

The proposed organization would be as follows: One Principal Geologist; three Geologists, each in separate sections of the State; one Chemist for the analysis of minerals, ores, &c.; one Botanist and Zoologist; and if the Legislature see fit, one Agricultural Department.

The Chemical Laboratory for the analysis of the minerals, ores, soils, mineral waters, &c. &c., ought, in my opinion, to be located at the seat of Government of the State, and be put in such a state of efficiency, that the various mineral substances that may be sent there, by individuals from the different counties, by the members of the Legislature, shall be analyzed during the session, and the results made known on their return to their constituents.

Alum rocks. Rocks which, by decomposition, form Alum.

Amorphous. Bodies devoid of regular form.

Amygdaloid. A trap rock which is porous and spongy, with rounded cavities scattered through its mass. Agates and simple minerals are often contained in these cavities.

Anthracite. A species of mineral coal, hard, shining, black, and devoid of bitumen.

Anticlinal. An anticlinal ridge or axis is where the strata along a line dip contrariwise, like the sides of the roof of a house.

Arenaceous. Sandy.

Argillaceous. Clayey.

Augite. A simple mineral of variable color, from black through green and gray to white. It is a constituent of many volcanic and trappean rocks, and is also found in some of the granitic rocks.

Avalanche. This term is usually applied to masses of ice and snow which have slid from the summits or sides of mountains. It is now also applied to slides of earth and clay.

Basalt. One of the common trap rocks. It is composed of Augite and feldspar, is hard, compact, and dark green or black, and has often a regular columnar form. The palisades of the Hudson show the columnar aspect of trap rocks. The Giants' causeway is cited as an example of Basaltic rocks, and the columnar structure is there very strikingly displayed.

Bitumen. Mineral pitch, which is often seen to ooze from fossil coal when on fire.

Bituminous Shale. A slaty rock, containing bitumen, and which occurs in coal measures.

Blende. Sulphuret of Zinc. A common shining zinc ore.

Bluffs. High banks of earth or rock with a steep front. The term is generally applied to high banks forming the boundaries of a river, or river alluvions.

Botryoidal. Resembling a bunch of grapes in form.

Boulders. Rocks which have been transported from a distance, and more or less rounded by attrition or the action of the weather. They lie upon the surface or loose in the soil, and generally differ from the underlying rock in the neighborhood.

Breccia. A rock composed of angular fragments cemented together by lime or other substances.

Calc Sinter. A German term for depositions of limestone from springs, and waters which contain this mineral in solution.

Calcareous rocks. A term synonymous with limestones.

Calcareous Spar. Crystallized carbonate of lime.

Carbon. The combustible element of coal.

Carbonates. Chemical compounds containing carbonic acid, which is composed of oxygen and carbon.

Carbonic Acid. An acid gaseous compound, incapable of supporting combustion, and deleterious to animal life. It is common in caves and wells, and many incautions persons lose their lives in consequence of descending, without first ascertaining its presence by letting down a lighted candle. Man cannot live where a candle will not burn freely.

Carboniferous. Coal bearing rocks. This term has been applied to a formation belonging to an ancient group of secondary rocks which contains coal.

The term is now used in a more enlarged sense, and may be applied to any rocks containing coal.

Chert. A siliceous mineral, approaching to chalcedony, flint and hornstone. It is usually found in limestone.

Chlorite. A soft green scaly mineral, slightly unctuous.

Chloritic Slate. Slate containing chlorite.

Clinkstone. A slaty feldspathic or basaltic rock, which is sonorous when struck.

Cleavage. The separation of thin laminae of rocks and minerals in certain constant directions. They are not always parallel to the planes of stratification, but are often mistaken for them.

Coal formation. Coal measures. These terms are considered synonymous, and refer to the great deposit of coal in the older secondary rocks, which has been called the "independent coal formation." There are, however, deposits of carbonaceous matter in all the geological periods, and several of them might also be called coal formations.

Conformable. When strata are arranged parallel to each other, like the leaves of a book, they are said to be conformable. Other strata lying across the edges of these may be conformable among themselves, but *unconformable* to the first set of strata.

Conglomerate, or Puddingstone. Rocks composed of rounded masses, pebbles and gravel cemented together by a siliceous, calcareous, or argillaceous cement.

Cretaceous. Belonging to the Chalk formation.

Crop out and out crop. Terms employed by Geologists and Mining Engineers, to express the emergence of rock, in place, on the surface of the earth at the locality where it is said to crop out.

Crystalline. An assemblage of imperfectly defined crystals, like loaf sugar and common white marble.

Delta. Alluvial land formed at the mouths of rivers.

Denudation. A term used to express the bare state of the rocks over which currents of water have formerly swept, and laid the rocks bare, or excavated them to form valleys of denudation.

Deoxidize. To separate oxygen from a body.

Dyke. A kind of vein intersecting the strata, and usually filled some unstratified igneous rock, such as granite, trap or lava. These materials are supposed to have been injected in a melted state into great rents or fissures in the rocks.

Diluvium and *Diluvion.* Deposits of boulders, pebbles, and gravel, which many geologists have supposed were produced by a diluvial wave or deluge sweeping over the surface of the earth.

Dip. Where strata are not horizontal, the direction in which their planes sink or plunge, is called the direction of the dip, and the angle of inclination, the angle of dip.

Dolomite. A magnesian limestone belonging to the primary class. It is usually granular in its structure, and of a friable texture.

Dunes. Sand raised into hills and drifts by the wind.

Earth's Crust. The superficial parts of our planet which are accessible to human observation.

Eocene. The strata deposited during the oldest of the tertiary epochs, as, for example, the Paris Basin.

Estuaries. Inlets of the sea into the land. The tide and fresh water

streams mingle and flow into them. They include not only the portion of the sea adjacent to the mouths of rivers, but extend to the limit of tide water on these streams.

Exuvia. In Geology, fossil remains.

Fault. A dislocation of strata, at which the layers on one side of a dyke or fissure have slid past the corresponding ones on the other. These dislocations are often accompanied by a dyke. They vary from a few lines to several hundred feet.

Feldspar. One of the simple minerals, and, next to quartz, one of the most abundant in nature.

Ferruginous. Containing iron.

Fluvialite. Belonging to a river.

Formation. A group of rocks which were formed during a particular period, or which are referred to a common origin.

Fossils. The remains of animals and plants found buried in the earth, or enclosed in rocks. Some of these are but slightly changed, others are petrified and the organic replaced by mineral matter; some have decayed and left the impression of the bodies, while others have been formed by mineral matter deposited in the cavities left by the decay of the organic body. The form and structure of the original body both remain. In casts, the exterior form alone is preserved. Fossils are also called organic remains.

Fossiliferous. Containing organic remains.

Galena. An ore of lead composed of lead and sulphur.

Garnet. A simple mineral, which is usually red and crystallized. It is abundant in most primitive rocks.

Gneiss. A stratified primary rock, composed of the same materials as granite, but the mica is distributed in parallel layers, which give it a striped aspect.

Geology. A science which has for its object to investigate the structure of the earth, the materials of which it is composed, the manner in which these are arranged, with regard to each other; and it considers the action of all natural causes in producing changes, such as the effects of frost, rain, floods, tides, currents winds, earthquakes and volcanos.

Economical Geology refers to the applications of geological facts and observations to the useful purposes of civilized life.

Granite. An unstratified rock, composed generally of quartz, feldspar and mica, and it is usually associated with the oldest of the stratified rocks.

Graywacke *Grauwacke.* A group of strata in the transition rocks; but the term has been so indefinitely applied, that other names will probably be substituted.

Greenstone. A trap rock, composed of hornblende and feldspar.

Grit. A coarse-grained sandstone.

Gypsum. A mineral, composed of sulphuric acid and lime, and extensively used as a stimulant manure, and for making stucco and plaster casts, &c. It is also called Plaster of Paris.

Hornblende. A mineral of a dark green or black color, and which is a constituent part of greenstone.

Hornstone. A siliceous mineral, approaching to flint in its characters.

In Situ. In their original positions where they were formed.

Laminae. The thin layers into which strata are divided, but to which they are not always parallel.

Lacustrine. Belonging to a lake. Depositions formed in ancient as well as modern lakes, are called lacustrine deposits.

Landslip. It is the removal of a portion of land down an inclined surface. It is in consequence of the presence of water beneath, which either washes away the support of the superincumbent mass, or so saturates the materials that they become a slippery paste.

Line of Bearing, is the direction of the intersection of the planes of the strata with the plane of the horizon.

Lignite. Wood naturally carbonized and converted into a kind of coal in the earth.

Littoral. Belonging to the shore.

Loam. A mixture of sand and clay.

Mural Escarpment. A rocky cliff with a face nearly vertical like a wall.

Mammillary. A surface studded with smooth small segments of spheres like the swell of the breasts.

Mammoth. An extinct species of the elephant.

Marl. By this term an argillaceous carbonate of lime is usually implied. By custom, its signification is much more extended, and means mineral substances, which act as stimulating or fertilizing manures. There are clay marls, shell marls, and various others.

Mastodon. A genus of extinct fossil animals allied to the elephant. They are so called from the form of the grinders which have their surfaces covered with conical mammillary crests.

Matrix. The mineral mass in which a simple mineral is imbedded, is called its *matrix* or *gangue*.

Megatherium. A fossil extinct quadruped resembling a gigantic sloth.

Mechanical origin, Rocks of. Rocks composed of sand, pebbles or fragments, are so called, to distinguish them from those of a uniform crystalline texture, which are of chemical origin.

Mica. A simple mineral having a shining silvery surface, and capable of being split into very thin elastic leaves or scales. The brilliant scales in granite and gneiss are mica.

Mica Slate. One of the stratified rocks belonging to the primary class. It is generally fissile, and is characterized by being composed of mica and quartz, of which the former either predominates, or is disposed in layers, so that its flat surfaces give it the appearance of predominating.

Miocene. One of the deposits of the tertiary epoch. It is more recent than the *eocene* and older than the *pliocene*.

Mollusca. Molluscous animals. "Animals, such as shell fish, which, being devoid of bones, have soft bodies."

Mountain Limestone. "A series of limestone strata, of which the geological position is immediately below the coal measures, and with which they also sometimes alternate."

Muriate of Soda. Common Salt.

Naphtha. A fluid volatile inflammable mineral, which is common in volcanic districts, and in the vicinity of the Salt Springs of the United States.

New Red Sand-stone. "A series of sandy and argillaceous, and often calcareous strata, the prevailing color of which is brick red, but containing portions which are greenish grey. These occur often in spots and stripes, so that the series has sometimes been called, the variegated sand-stone. The European, so called, lies in a geological position immediately above the coal measures."

Nodule. A rounded, irregular shaped lump or mass.

Old Red Sand-stone. "A stratified rock, belonging to the carboniferous group of Europe."

Oolite. "A limestone, so named, because it is composed of rounded particles like the roe or eggs of fish. The name is also applied to a large group of strata characterized by peculiar fossils."

Organic Remains. See *Fossils*.

Orthoceratite. The remains of an extinct genus of molluscos animals, called Cephalopoda. The orthoceratites are long, straight, conical chambered shells.

Out-crop. See *Crop-out*.

Out-liers. Hills or ranges of rock strata, occurring at some distance from the general mass of the formations to which they belong. Many of these have been caused by denudation, having removed parts of the strata which once connected the out-liers with the main mass of the formation.

Oxide. A combination of oxygen with another body. The term is usually limited to such combinations as do not present active acid or alkaline properties.

Palaeontology. A science which treats of fossil remains.

Pisolite. A calcareous mineral, composed of rounded concretions like peas.

Pliocene. The upper, or more recent tertiary strata. This group of strata is divided into the older and newer pliocene rocks.

Petroleum. A liquid mineral pitch. It is common in the region of salt springs in the United States.

Porphyry. A term applied to every species of unstratified rock, in which detached crystals of feldspar are diffused through a compact base of other mineral composition.

Productus. An extinct genus of fossil bivalve shells.

Plastic Clay. One of the beds of the Eocene period. The plastic clay formation is mostly composed of sands with associated beds of clay.

Pudding Stone. See *Conglomerate*.

Pyrites. A mineral composed of sulphur and iron. It is usually of a brass yellow, brilliant, often crystalized, and frequently mistaken for gold.

Quartz. A simple mineral, composed of silex. Rock crystal is an example of this mineral.

Rock. All mineral beds, whether of sand, clay, or firmly aggregated masses, are called rock.

Sand-stone. A rock composed of aggregated grains of sand.

Saurians. Animals belonging to the lizard tribe.

Schist. Slate.

Seams. "Thin layers which separate strata of greater magnitude."

Secondary Strata. "An extensive series of the stratified rocks, which compose the crust of the globe, with certain characters in common, which distinguish them from another series below them, called primary, and another above them, called tertiary."

Sedimentary Rocks.—Are those which have been formed by their materials having been thrown down from a state of suspension or solution in water.

Selenite. Crystallized gypsum.

Septaria. Flattened balls of stone, which have been more or less cracked

in different directions, and cemented together by mineral matter which fills the fissures.

Serpentine. A rock composed principally of hydrated silicate of magnesia. It is generally an unstratified rock.

Shale. An indurated slaty clay, which is very fissile.

Shell Marl—Fresh water Shell Marl. A deposit of fresh water shells, which have disintegrated into a grey or white pulverulent mass.

Shingle. The loose, water-worn gravel and pebbles on shores and coasts.

Silex. The name of one of the pure earths which is the base of flint, quartz, and most sands and sand-stones.

Silt. "The more comminuted sand, clay and earth, which is transported by running water."

Simple Minerals—Are composed of a single mineral substance. Rocks are generally aggregates of several simple minerals cemented together.

Slate. A rock dividing into thin layers.

Stalactite. Concreted carbonate of lime, hanging from the roofs of caves, and like icicles in form.

Stalagmites. Crusts and irregular shaped masses of concreted carbonate of lime, formed on the floors of caves, by deposits from the dripping of water.

Stratification. An arrangement of rocks in strata.

Strata. Layers of rock parallel to each other.

Stratum. A layer of rocks; one of the strata.

Strike. The direction in which the edges of strata crop out. It is synonymous with *line of bearing*.

Syenite and Sienite. A granitic rock, in which hornblende replaces the mica.

Synclinal line and Synclinal axis. When the strata dip downward in opposite directions, like the sides of a gutter.

Talus. In geology, a sloping heap of broken rocks and stones at the foot of many cliffs.

Tertiary Strata. "A series of sedimentary rocks, with characters which distinguish them from two other great series of strata—the secondary and primary—which lie beneath them."

Testacea. "Molluscos animals, having a shelly covering."

Tepid. Warm.

Thermal. Hot.

Thin out. Strata which diminish in thickness until they disappear, are said to *thin out*.

Trap—Trappean Rocks. Ancient volcanic rocks, composed of feldspar, hornblende and augite. Basalt, greenstone, amygdaloid and dolerite, are trap rocks.

Travertin. "A concretionary lime-stone, hard and semi-crystalline, deposited from the water of springs."

Tufa, Calcareous. "A porous rock, deposited by calcareous waters on exposure to air, and usually containing portions of plants and other organic substances incrustated with carbonate of lime."

Tufaceous. A texture of rock like that of tuff.

Tuff or Tufa. "An Italian name for a volcanic rock of an earthy texture."

Unconformable. See conformable.

Veins. Cracks and fissures in rocks filled with stony or metallic matter. Most of the ores are obtained from metallic veins.

Zoophytes. Corals, sponges, and other aquatic animals allied to them.

APPENDIX No. 1

TO

AUDITOR'S ANNUAL REPORT.

DECEMBER SESSION, 1838.

STATE OF KENTUCKY, AUDITOR'S OFFICE, }
January 17, 1839.

SIR:

Please lay before the House over which you preside the accompanying documents, which is intended as an Appendix to Auditor's Annual Report, for the year ending October 10, 1838,

And oblige yours, &c.,

BEN. SELBY, *Auditor.*

Hon. C. A. WICKLIFFE,

Speaker of the Senate.

Valuation of Property, as per Commissioners' Books, for 1835, 1836, 1837, 1838.

COUNTIES.	1835	1836	1837	1838	Amount received under equalizing law.	Voters.	Children.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	No.	No.
Adair,	990,441	1,084,319	1,196,764	1,327,766	48,362	1,242	
Allen,	673,550	736,876	942,204	1,067,762	92,843	1,123	
Anderson,	692,950	840,709	1,040,604	1,063,714	69,770	809	
Bracken,	984,763	1,203,044	1,408,705	1,858,147	380,908	1,103	
Bullitt,	1,078,240	1,417,611	1,468,575	1,692,886	260,353	932	
Bourbon,	6,985,440	9,386,503	11,536,002	12,204,209	1,443,134	1,707	
Barren,	2,221,016	2,454,766	2,940,086	3,065,452	398,894	2,310	
Breckinridge,	1,180,654	1,337,735	1,684,251	1,978,801	352,567	1,248	
Boone,	2,200,818	2,898,718	3,227,955	3,768,820	376,750	1,368	
Butler,	376,277	362,161	427,630	477,629	42,105	462	
Bath,	2,100,837	2,681,542	3,365,799	3,166,543	185,140	1,386	
Campbell,	2,028,809	2,561,705	2,792,367	2,971,243	None.	1,698	
Caldwell,	1,370,854	1,541,242	1,710,640	1,878,143	162,598	1,318	2,200
Christian,	3,152,746	4,050,673	4,480,715	4,709,429	388,343	1,680	
Clarke,	4,227,637	5,396,124	6,539,661	6,331,726	636,058	1,442	2,004
Clay,	446,734	437,048	437,598	713,481	116,087	695	
Cumberland,	1,054,788	1,120,407	1,106,001	1,074,280	152,210	862	
Calloway,	708,264	880,594	1,010,150	1,086,696	54,255	1,381	
Casey,	437,107	488,156	685,085	718,016	-	770	

Clinton,	-	-	-	361,369	394,552	35,565	614	1,180
Carroll,	-	-	-	-	-	-	469	
Carter,	-	-	-	-	246,365	23,304	1,123	
Davies,	-	1,146,144	1,454,362	2,076,752	2,510,843	362,613	517	
Edmonson,	-	228,577	330,573	356,953	412,803	61,278	975	1,548
Estill,	-	497,344	597,607	807,148	887,573	114,472	1,175	
Franklin,	-	2,246,204	2,611,323	3,243,821	3,619,012	530,447	2,342	3,107
Fayette,	-	11,849,357	13,885,009	15,683,911	15,472,011	691,305	898	
Floyd,	-	322,939	363,445	476,386	591,077	110,615	1,125	2,434
Fleming,	-	2,302,031	2,965,120	3,553,118	4,115,375	646,101	988	
Gallatin,	-	1,321,590	1,701,203	2,316,947	2,044,650	174,666	1,369	
Greenup,	-	882,988	1,027,055	1,616,609	1,186,015	48,017	1,952	
Green,	-	2,074,536	2,599,486	2,845,272	2,942,597	309,927	655	
Grant,	-	420,209	549,714	806,308	856,850	86,541	963	
Graves,	-	488,614	624,737	773,532	840,417	28,296	752	
Grayson,	-	327,367	392,908	433,365	542,864	98,464	1,501	
Garrard,	-	2,418,927	3,123,792	3,392,271	3,657,002	459,458	1,528	2,226
Henry,	-	2,362,378	3,250,597	4,082,651	4,393,166	753,420	950	
Hart,	-	662,537	831,383	932,908	1,107,579	103,905	448	
Harlan,	-	207,371	214,246	248,788	260,112	41,110	983	
Henderson,	-	1,554,560	1,973,655	2,358,985	2,466,792	90,794	1,207	2,268
Hopkins,	-	935,213	1,056,120	1,214,544	1,414,788	-	1,502	
Hickman,	-	919,333	1,232,569	1,493,140	1,725,791	182,912	1,715	
Harrison,	-	2,774,879	3,809,980	4,467,979	4,640,387	452,872	2,260	
Hardin,	-	2,053,256	2,515,245	3,012,544	3,269,779	410,641	369	
Hancock,	-	265,564	343,453	453,237	571,370	27,966	4,400	
Jefferson,	-	11,848,162	19,306,267	19,886,462	23,011,170	39,255	1,148	1,360
Jessamine,	-	2,767,320	3,769,329	4,107,177	4,635,101	601,983	716	
Knox,	-	431,805	445,773	502,677	664,289	105,095	939	
Lewis,	-	637,927	771,092	851,523	846,374	67,031	1,243	
Lincoln,	-	2,807,185	3,583,317	4,557,813	4,349,309	539,722		

COUNTIES.	1835	1836	1837	1838	Amount received under equalizing law.	Voters.	Children.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	No.	No.
Laurel, -	195,962	254,899	285,353	316,090	34,571	521	
Lawrence, -	269,917	310,860	357,942	379,306	8,556	830	
Livingston, -	1,001,449	1,238,693	1,475,626	1,645,394	209,046	1,157	
Logan, -	2,944,159	3,361,067	3,948,917	4,400,392	556,965	1,556	
Muhlenberg, -	726,309	789,848	989,820	1,334,291	201,941	1,063	1,774
Madison, -	3,629,668	5,377,949	6,085,296	7,227,999	1,289,473	2,092	
Montgomery, -	2,867,925	3,391,966	4,281,411	4,437,636	529,022	1,144	
Mercer, -	3,710,275	4,587,672	6,333,752	6,554,707	684,622	2,281	
Morgan, -	245,038	295,822	370,680	469,323	27,552	661	746
Mason, -	4,287,508	5,656,232	6,448,122	6,968,476	-	2,331	
Monroe, -	573,303	632,548	730,340	785,250	79,167	909	
Meade, -	862,798	820,939	1,137,076	1,227,228	-	668	
McCracken, -	373,536	515,761	806,987	1,001,470	124,530	609	
Marion, -	1,520,139	1,689,948	2,105,347	2,455,895	236,484	1,361	
Nicholas, -	1,689,613	2,644,816	2,980,263	3,002,723	None.	1,290	
Nelson, -	3,443,532	4,174,550	5,004,792	4,549,813	727,508	1,792	
Ohio, -	561,164	635,343	779,819	830,368	72,365	949	1,822
Owen, -	881,390	1,228,113	1,451,470	1,631,473	70,236	1,149	
Oldham, -	1,773,395	2,106,588	2,202,871	2,787,328	None.	955	

Pulaski,	-	912,109	932,843	1,197,427	1,225,799	119,955	1,749
Perry,	-	181,884	214,287	275,928	319,705	None.	674
Pendleton,	-	474,541	605,671	866,696	959,140	128,207	713
Pike,	-	184,468	215,399	249,199	281,091	26,275	510
Rockcastle,	-	312,040	379,062	433,030	523,379	47,214	650
Russell,	-	370,517	410,269	477,652	536,101	67,382	676
§§ Simpson,	-	889,492	1,079,033	1,296,195	1,306,035	155,044	845
Shelby,	-	5,718,961	7,326,475	8,966,236	8,500,929	866,728	2,198
Scott,	-	4,151,114	5,789,352	6,641,627	6,221,882	528,115	1,895
Spencer,	-	1,596,094	1,854,921	2,053,379	2,428,845	195,017	923
Todd,	-	1,967,865	2,518,819	2,660,540	2,720,435	265,617	1,056
Trigg,	-	1,021,745	1,306,307	1,579,413	1,599,595	181,071	995
Trimble,	-	-	-	-	1,385,145	166,732	858
Union,	-	854,783	906,206	1,090,438	1,422,392	None.	875
Wayne,	-	773,670	800,184	911,321	1,137,268	180,212	1,140
Woodford,	-	4,705,414	5,461,806	6,856,672	6,628,394	715,729	1,180
Warren,	-	2,044,523	2,651,422	3,237,500	3,285,892	137,000	920
Whitley,	-	228,764	244,652	312,898	350,299	31,141	709
Washington,	-	1,642,666	2,302,475	2,462,248	2,983,525	260,384	1,376
Total,	-	\$149,273,972	191,022,117	224,259,274	242,022,969	21,192,033	104,622
	-						26,071

BEN. SELBY, Auditor.

[App. to S. J.]

NOTE. Since the above report was made to the Legislature, the amount of taxable property, &c. under the Equalization Law, in the county of Oldham, has been handed to the Public Printer by the Auditor, and is \$235,740. It was in his original draft, but omitted by the copyist.

REPORT

OF THE

MANAGERS OF THE LUNATIC HOSPITAL,

FOR 1838.

*To the Honorable the General Assembly
of the Commonwealth of Kentucky:*

The Commissioners of the Lunatic Asylum respectfully beg leave to submit their fifteenth annual report.

The accompanying document marked A, exhibits a list of patients who have received the benefits of the Institution during the past year; the time of admission; disease; age; sex; county or State from where they came, with remarks. From which it appears that 63 have been received during the year, making, together with 113 remaining at last report, 176; of whom 16 have been restored; 9 have eloped, and 29 have died, leaving at this time one hundred and twenty two in the house, viz: 54 males and 68 females.

Since the opening of the Institution 690 patients have been admitted, 301 discharged, and 267 have died.

Your Commissioners refer you to document marked B, containing a synopsis of the financial transactions of the institution for the past year; the State appropriation; board paid for patients and advanced by their committees, together with the balance on hand last year, amount to ten thousand six hundred and seventy dollars sixty eight and a fourth cents; and the expenditure for the support of the institution, to ten thousand six hundred and thirty five dollars sixty nine and a half cents. Leaving a balance in the Chairman's hands, of thirty four dollars ninety eight and three fourth cents.

The Asylum was visited during the past summer by that dreadful scourge of the human race, the small pox. It prevailed for the space of four months, and thirty three persons were attacked, to five of whom it proved fatal. Among them was the late keeper, Mr. John King. The Commissioners feel gratified in being enabled to state that they have succeeded in supplying this vacancy, by the appointment of Mr. John Catherwood, whose exertions thus far, have given satisfaction.

The attention of the Legislature is solicited, to the increased wants of the institution, in consequence of the gradual increase of the patients, to afford the necessary comforts to them, an additional building is required and an accession to the ground. In consequence of the small pox, and increased price of provisions, it will be absolutely necessary to appropriate from eight to ten thousand dollars for the support of the institution, for the ensuing year.

All which is respectfully submitted.

JOHN W. HUNT, Chairman,
S. CHIPLEY,
R. HIGGINS,
JER'H. KIRTLEY.

LEXINGTON, JANUARY 1st, 1839.

A.

LIST OF PATIENTS who have received the benefits of the Lunatic Asylum, from the 1st day of January to the 31st day of December, 1838.

Date of reception.	Disease.	Sex.	Age.	County from whence bro't.	No.	Remarks.
1824						
May 4, -	Idiocy, -	F	23	Bracken, -	5	1839, Jan. 1st, remains stationary, works.
July 20, -	Catamania, -	F	42	Clarke, -	25	1839, Jan. 1st, remains stationary.
October 23, -	Mania, -	F	33	Madison, -	40	1839, Jan. 1st, remains stationary.
November 25, -	Mania, -	M	43	Fayette, -	50	1839, Jan. 1st, remains stationary, works.
1825						
January 25, -	Idiocy, -	F	42	Shelby, -	55	1839, Jan. 1st, remains stationary, works.
1826						
April 4, -	Mania, -	M	38	Jefferson, -	101	1839, Jan. 1st, remains stationary.
October 25, -	Mania, -	M	54	Jessamine, -	125	1838 Aug. 23, died, smallpox.
1827						
May 29, -	Peurperil, -	F	59	Washington, -	140	1839, Jan. 1, remains stationary.
July 7, -	Idiocy, -	F	54	Fayette, -	149	1838, Oct. 9, died, smallpox.
November 2, -	Idiocy, -	F	19	Bracken, -	157	1839, Jan. 1, remains stationary, works.
November 23, -	Mania, -	F	52	Logan, -	159	1839, Jan. 1, remains stationary.
December 23, -	Mania, -	F	47	McCracken, -	161	1839, Jan. 1, remains stationary, works.

A—Continued.

Date of reception.	Disease.	Sex.	Age.	County from whence bro't.	No.	Remarks.
1828						
February 15,	Mania,	M	49	Mississippi,	165	1839, Jan. 1, remains stationary.
April 10,	Mania,	F	49	Barren,	168	1839, Jan. 1, remains stationary, works.
May 7,	Mania,	F	36	Laurel,	173	1839, Jan. 1, remains stationary.
August 4,	Idiocy,	F	50	Wayne,	183	1839, Jan. 1, remains stationary.
October 2,	Mania,	M	42	Barren,	193	1839, Jan. 1, remains stationary, works.
1829						
April 29,	Epilepsy,	M	27	Jefferson,	208	1839, Jan. 1, remains stationary.
July 25,	Mania,	F	41	Simpson,	220	1839, Jan. 1, remains stationary.
September 5,	Epilepsy,	F	23	Mercer,	224	1839, Jan. 1, remains stationary.
1830						
April 21,	Mania,	F	60	Mercer,	249	1838, Jan. 1, died, atrophy.
June 24,	Mania,	F	46	Mercer,	254	1839, Jan. 1, remains stationary.
September 2,	Epilepsy,	F	36	Spencer,	261	1839, Jan. 1, remains stationary.
October 2,	Mania,	M	40	Mercer,	263	1839, Jan. 1, remains stationary, works.
October 25,	Epilepsy,	F	45	Ohio,	268	1839, Jan. 1, remains stationary.
1831						
December 11,	Mania,	F	40	Allen,	311	1839, Jan. 1, remains stationary.
1832						
March 31,	Mania,	F	44	Tennessee,	328	1838, Sept. 8, died, consumption.

August 21,	-	Epilepsy,	-	M	39	Mason,	-	338	1839, Jan. 1, remains stationary.
October 19,	-	Mania,	-	F	41	Woodford,	-	348	1839, Jan. 1, remains stationary.
October 19,	-	Mania,	-	F	51	Fayette,	-	349	1839, Jan. 1, remains stationary.
December 11,	-	Idiocy,	-	F	41	Fayette,	-	354	1838, June 24, died, dysentery.
1833									
April 22,	-	Idiocy,	-	M	26	Nelson,	-	368	1839, Jan. 1, remains stationary.
July 31,	-	Idiocy,	-	M	28	Shelby,	-	374	1839, Jan. 1, remains stationary, works.
November 6,	-	Mania,	-	M	39	Fayette,	-	388	1839, Jan. 1, remains stationary.
1834									
February 23,	-	Mania,	-	F	40	Hart,	-	398	1839, Jan. 1, remains stationary, works.
March 19,	-	Mania,	-	F	32	Fayette,	-	400	1839, Jan. 1, remains stationary.
April 4,	-	Epilepsy,	-	F	43	Bracken,	-	403	1839, Jan. 1, remains stationary.
April 21,	-	Idiocy,	-	F	24	Livingston,	-	406	1838, Jan. 1, died, atrophy.
April 24,	-	Mania,	-	F	29	Jessamine,	-	407	1839, Jan. 1, remains stationary.
May 1,	-	Mania,	-	F	34	Logan,	-	498	1839, Jan. 1, remains stationary, works.
May 10,	-	Idiocy,	-	F	48	Campbell,	-	409	1838, Feb. 24, died, atrophy.
May 17,	-	Mania,	-	F	26	Owen,	-	410	1839, Jan. 1, remains stationary.
June 14,	-	Mania,	-	F	28	Franklin,	-	414	1839, Jan. 1, remains stationary.
August 18,	-	Mania,	-	M	30	Bath,	-	430	1839, Jan. 1, remains stationary.
August 20,	-	Mania,	-	M	42	Simpson,	-	432	1839, Jan. 1, remains stationary.
August 24,	-	Mania,	-	F	39	Shelby,	-	433	1839, Jan. 1, remains stationary.
September 19,	-	Mania,	-	F	23	Allen,	-	437	1839, Jan. 1, remains stationary.
1835									
January 12,	-	Mania,	-	M	36	Jefferson,	-	450	1839, Jan. 1, remains stationary.
January 19,	-	Mania,	-	M	34	Bourbon,	-	451	1839, Jan. 1, remains stationary.
March 13,	-	Mania,	-	F	23	Warren,	-	451	1839, Jan. 1, remains stationary.

A—Continued.

Date of reception.	Disease.	Sex.	Age.	County from whence bro't.	No.	Remarks.
1835						
March 26, -	Mania, -	F	30	Nicholas, -	458	1839, Jan. 1, remains stationary.
May 22, -	Mania, -	F	58	Shelby, -	462	1839, Jan. 1, remains stationary.
May 23, -	Epilepsy, -	F	23	Jessamine, -	463	1838, Sept. 22, died, fits.
May 26, -	Idiocy, -	M	23	Montgomery	465	1839, Jan. 1, remains stationary, works.
June 10, -	Mania, -	F	39	Harrison, -	466	1838, Dec. 31, died, convulsions.
July 20, -	Mania, -	M	67	Fayette, -	474	1839, Jan. 1, remains stationary.
August 26, -	Mania, -	M	32	Montgomery	480	1839, Jan. 1, remains stationary.
November 4, -	Epilepsy, -	M	13	Wayne, -	491	1838, Oct. 20, died, fits.
November 7, -	Idiocy, -	F	53	Bourbon, -	492	1839, Jan. 1, remains stationary, works.
1836						
February 12, -	Idiocy, -	F	38	Henry, -	507	1839, Jan. 1, remains stationary, works.
March 17, -	Mania, -	F	48	Madison, -	511	1838, July 29, died, dysentery.
April 26, -	Idiocy, -	F	33	Harrison, -	518	1839, Jan. 1, remains stationary.
August 4, -	Mania, -	F	28	Hancock, -	532	1839, Jan. 1, remains stationary.
August 17, -	Mania, -	F	23	Allen, -	538	1839, Jan. 1, remains stationary.
August 26, -	Melancholia, -	M	53	Green, -	543	1839, Jan. 1, remains stationary.
August 29, -	Mania, -	F	43	Grant, -	545	1839, Jan. 1, remains stationary.
September 2, -	Mania, -	F	46	Bourbon, -	546	1838, Feb. 22, died, atrophy.
September 19, -	Mania, -	M	26	Breckinridge,	549	1839, Jan. 1, remains stationary.
October 21, -	Epilepsy, -	M	25	Cumberland,	550	1838, June 7, died, dropsy of brain.
November 15, -	Mania, -	M	48	Illinois, -	553	1838, Sept. 12, died, atrophy.

1837

January 26,	Mania,	-	65	Scott,	563	1839, January 1, remains stationary.
February 1,	Mania,	-	43	Henry,	565	1839, January 1, remains stationary.
February 1,	Catania,	-	41	Scott,	566	1838, May 19, discharged.
February 4,	Mania,	-	22	Mississippi,	567	1838, April 27, died, inflammation.
March 2,	Idiocy,	-	37	Fayette,	572	1839, January 1, remains stationary.
March 6,	Mania,	-	30	Trigg,	573	1839, January 1, remains stationary.
March 18,	Mania,	-	40	Warren,	576	1838, December 4, discharged.
March 23,	Mania,	-	25	Muhlenburg,	577	1839, January 1, remains stationary.
March 27,	Mania,	-	51	Barren,	578	1838, November 21, eloped, but restored.
April 12,	Mania,	-	38	Tennessee,	580	1839, January 1, remains stationary.
May 8,	Mania,	-	29	Meade,	584	1838, May 4, discharged.
May 19,	Mania,	-	22	Spencer,	586	1838, May 26, discharged.
May 30,	Mania,	-	48	Mason,	588	1838, May 16, discharged.
May 30,	Mania,	-	40	Mason,	589	1838, December 23, died, dropsy.
June 9,	Mania,	-	54	Hopkins,	591	1838, October 5, died, smallpox.
June 9,	Mania,	-	30	Alabama,	592	1839, January 1, remains stationary.
July 3,	Mania,	-	67	Barren,	594	1838, March 9, died, atrophy.
July 10,	Mania,	-	26	Nicholas,	595	1839, January 1, remains stationary.
July 21,	A potu,	-	32	Mason,	598	1839, January 23, discharged.
July 23,	Mania,	-	36	Madison,	600	1838, January 1, discharged.
August 16,	Idiocy,	-	38	Fayette,	602	1839, January 1, remains stationary.
August 23,	Mania,	-	31	Hart,	603	1839, January 1, remains stationary.
August 28,	Mania,	-	48	Green,	604	1838, May 15, discharged.
September 5,	Mania,	-	41	Casey,	605	1839, January 1, remains stationary.
September 5,	Mania,	-	24	Alabama,	606	1839, January 1, remains stationary.
September 12,	Mania,	-	41	Madison,	607	1838, July 19, died, dropsy,
September 19,	Mania,	-	71	Scott,	609	1838, May 30, discharged.
October 6,	A potu,	-	44	Clarke,	611	1839, January 1, remains stationary.
October 19,	Mania,	-	46	Henderson,	612	1838, May 5, died, atrophy.
		-				1839, January 1, remains stationary.

[App. to S. J.]

Date of reception.	Disease.	Sex.	Age.	County.	No.	REMARKS.
1837						
October 21,	Mania,	F	31	Clarke,	613	1838, April 16, died, consumption.
October 23,	Mania,	M	49	Hardin,	614	1839, January 1, remains stationary.
October 27,	Mania,	M	41	Jessamine,	615	1838, June 12, discharged.
October 28,	Mania,	M	60	Perry,	616	1838, February 13, restored, but eloped.
October 28,	Mania,	F	51	Jefferson,	617	1839, January 1, remains stationary.
October 28,	Mania,	F	21	Bracken,	618	1838, April 7, restored, but eloped.
November 1,	Epilepsy,	M	31	Bracken,	619	1838, January 15, died, fits.
November 25,	Mania,	F	41	Allen,	620	1838, April 30, died, atrophy.
November 27,	Mania,	F	53	Alabama,	621	1839, January 1, remains stationary.
December 11,	Mania,	M	31	Christian,	623	1839, January 1, remains stationary.
December 14,	Mania,	F	36	Illinois,	624	1839, January 1, remains stationary.
December 17,	Mania,	F	36	Jefferson,	625	1839, January 1, remains stationary.
December 25,	Mania,	M	50	Christian,	626	1838, July 18, eloped.
December 29,	Epilepsy,	M	31	Fleming,	627	1839, January 1, remains stationary.
1838						
January 2,	Mania,	F	31	Jefferson,	628	1838, February 22, died, inflammation.
January 15,	Epilepsy,	M	26	Hardin,	629	1839, January 1, remains stationary.
January 15,	Mania,	M	41	Alabama,	630	1839, January 1, remains, restored.
February 15,	Mania,	F	38	Alabama,	631	1839, January 1, remains stationary.
March 1,	Mania,	M	21	Nelson,	632	1838, June 27, discharged.
March 3,	Mania,	M	33	Bath,	633	1838, May 26, discharged.
March 8,	Epilepsy,	F	21	Montgomery	634	1839, January 1, remains stationary, works.

March 16,	-	Mania,	-	F	28	Ohio,	635	1838, March 30, discharged.
March 21,	-	Mania,	-	F	21	Missouri,	636	1838, August 27, died, atrophy.
March 23,	-	Mania,	-	M	41	Bracken,	637	1838, June 14, discharged.
March 26,	-	Mania,	-	M	27	Livingston,	638	1839, January 1, remains stationary.
March 26,	-	Mania,	-	M	31	Tennessee,	639	1839, January 1, remains stationary.
March 26,	-	Mania,	-	F	26	Fayette,	640	1839, January 1, remains stationary.
April 7,	-	Mania,	-	M	35	Barren,	641	1839, January 1, remains, improved.
April 10,	-	Mania,	-	F	51	Clarke,	642	1839, January 1, remains stationary.
April 11,	-	Mania,	-	M	35	Bullitt,	643	1838, December 18, discharged.
April 20,	-	Mania,	-	M	26	Whitley,	644	1838, July 9, discharged.
April 22,	-	Mania,	-	M	51	Clay,	645	1839, January 1, remains stationary, works.
April 24,	-	Mania,	-	M	26	Illinois,	646	1839, January 1, remains, improved.
April 25,	-	Epilepsy,	-	M	24	Clinton,	647	1839, January 1, remains stationary.
April 30,	-	Epilepsy,	-	M	26	Nicholas,	648	1839, January 1, remains stationary.
May 16,	-	A potu,	-	M	22	Meade,	649	1838, November 21, eloped, restored.
May 23,	-	Epilepsy,	-	M	19	Boone,	650	1839, January 1, remains stationary.
May 25,	-	Melancholia,	-	M	21	Warren,	651	1838, September 1, discharged.
May 28,	-	Catamania,	-	F	45	Monroe,	652	1838, September 24, died, dropsy.
May 28,	-	Mania,	-	M	36	Alabama,	653	1839, January 1, remains stationary.
May 30,	-	Hysterics,	-	F	31	Indiana,	654	1838, June 5, eloped.
May 31,	-	Mania,	-	M	37	Boone,	655	1839, January 1, remains stationary, works.
June 5,	-	Mania,	-	M	48	Mason,	656	1839, January 1, remains, improved.
June 8,	-	Epilepsy,	-	M	32	Clarke,	657	1838, September 25, died fits.
June 12,	-	Monomania,	-	M	29	Ohio, (State),	658	1839, January 1, remains, improved.
June 15,	-	Epilepsy,	-	M	32	Harrison,	659	1839, January 1, remains stationary.
June 30,	-	Idiocy,	-	F	11	Livingston,	660	1839, January 1, remains stationary.
July 9,	-	Melancholia,	-	M	30	Fleming,	661	1838, September 28, eloped.
July 13,	-	Catamania,	-	F	19	Louisiana,	662	1839, January 1, remains stationary, works.
July 13,	-	A potu,	-	F	36	Fayette,	663	1838, August 26, died, smallpox.
July 20,	-	A potu,	-	F	30	Indiana,	664	1839, January 1, remains stationary.
July 26,	-	Catamania,	-	F	38	Spencer,	665	1839, January 1, remains stationary.

Date of reception.	Disease.	Sex.	Age.	County.	No.	REMARKS.
1838						
July 26,	Catamania,	F	30	Tennessee,	666	1839, January 1, remains stationary.
July 27,	Mania, -	F	41	Breckinridge	667	1139, January 1, remains stationary.
August 7,	A potu, -	M	32	Mason, -	668	1839, January 1, remains improved, works.
August 16,	Melancholia,	M	40	Alabama, -	669	1839, January 1, remains stationary.
August 20,	Melancholia,	M	40	Christian, -	670	1839, January 1, remains stationary.
September 25,	Melancholia,	M	60	Casey, -	671	1839, January 1, remains stationary.
September 25,	Melancholia,	M	68	Green, -	672	1839, January 1, remains stationary.
September 25,	Mania, -	F	35	Madison, -	673	1839, January 1, remains stationary.
October 3,	Epilepsy, -	M	21	Whitley, -	674	1839, January 1, remains stationary.
October 4,	A potu, -	M	20	Jefferson, -	675	1838, December 29, died, atrophy.
October 4,	Melancholia,	M	28	Jefferson, -	676	1839, January 1, remains stationary.
October 16,	Melancholia,	M	40	Indiana, -	677	1839, January 1, remains improved.
October 19,	Melancholia,	M	32	Bath, -	678	1838, November 28, eloped.
October 19,	Mania, -	M	21	Indiana, -	679	1839, January 1, remains improved.
October 23,	Mania, -	M	30	N. Carolina,	680	1839, January 1, remains improved.
November 8,	Mania, -	M	40	Fayette, -	681	1838, January 1, remains stationary.
November 10,	Mania, -	F	75	Mercer, -	682	1839, January 1, remains stationary.
November 10,	Epilepsy, -	M	28	Nelson, -	683	1839, January 1, remains stationary.
November 14,	Idiocy, -	F	23	Fayette, -	684	1839, January 1, remains stationary.
November 14,	Epilepsy, -	F	13	Owen, -	685	1839, January 1, remains stationary.
November 18,	Mania, -	F	16	Boone, -	686	1839, January 1, remains stationary.
November 21,	Mania, -	F	33	Alabama; -	687	1839, January 1, remains stationary.
December 15,	Melancholia,	M	26	Henry, -	688	1839, January 1, remains stationary,

December 27,	-	Mania,	-	F	18	Spencer,	689	1839, January 1, remains stationary.
December 31,	-	Mania,	-	F	26	Bourbon,	690	1839, January 1, remains stationary.
REMAIN.								
Males,	-	-	-	-	54			
Females,	-	-	-	-	68			
Total,	-	-	-	-	122			

TABLE No. I

Showing the State of the Asylum during the year 1838.

	OLD CASES.			RECENT CASES.			IDIOTS & EPILEPTICS.			TOTAL.		
	Males.	Fem's.	Total.	Males.	Fem's.	Total.	Males.	Fem's.	Total.	Males.	Fem's.	Total.
Remained, December 31, 1837, -	29	44	73	9	5	14	9	17	26	47	66	113
Admitted, during the year 1838,	19	11	30	12	9	21	8	4	12	39	24	63
Total in Asylum, during 1838, -	48	55	103	21	14	35	17	21	38	86	90	176
Of whom have died, - 29	6	9	15	2	3	5	4	5	9	12	17	29
Been discharged, 16												
Eloped, improved, 9	5	1	6	15	4	19	-	-	-	20	5	25
—54												
Total Deaths, recoveries, &c. -	11	10	21	17	7	24	4	5	9	32	22	54
Which, being deducted from the number in Asylum during 1838, leaves, remaining 1st January, 1839, - - - -	37	45	82	4	7	11	13	16	29	54	68	122

TABLE No. 1—Continued.

	STATE PATIENTS.			BOARDERS.			TOTAL.
	Males.	Fem's.	Total.	Males.	Fem's.	Total.	
Of the preceeding, there were, -	51	69	120	35	21	56	176
Of whom—							
Discharged by recovery, elopement, or death, - - -	19	18	37	13	4	17	54
R - - -	32	51	83	22	17	39	122
	Males.	Fem's.	Total.	Males.	Females.	Total.	
				Per cent.	Per cent.	Per cent.	
Of the old cases, were discharged, - -	5	1	6	10.41	1.81	5.82	
Of the recent cases, were discharged, -	15	4	19	71.42	28.57	54.28	
Of the old cases, died,	6	9	15	12.50	16.36	14.56	
Of the recent cases, died, - - -	2	3	5	9.52	21.42	14.22	

TABLE No. 2.

Showing the monthly Admissions, Deaths, and Discharges in 1833.

MONTHS.	Admitted	Died.	Discharg- ed.	R main'd at end of month.	Average No in house each month.
Remained, Dec. 31, 1837, - -	113				
January, - -	3	2	2	112	111.096
February, - -	1	3	1	109	110.250
March, - -	9	1	1	116	111.580
April, - -	8	3	1	120	116.833
May, - -	7	1	7	119	117.322
June, - -	5	2	4	118	117.266
July, - -	7	2	2	121	118.193
August, - -	3	4	-	120	121.064
September, - -	3	5	1	117	117.133
October, - -	7	3	1	120	118.383
November, - -	7	-	3	124	123.266
December, - -	3	3	2	122	122.709
Average, - -	-	-	-	-	117.091

TABLE No 3.

Showing of what Diseases the Patients have died.

DISEASE.	Males.	Females.	Total.
Atrophy, - - - -	4	6	10
Consumption, - - - -	-	2	2
Dropsy - - - -	3	1	4
Dysentery, - - - -	-	2	2
Fits, - - - -	2	3	5
Inflammation, - - - -	1	1	2
Smallpox, - - - -	1	3	9
	11	18	29

TABLE NO. 4.

Counties and States from which the patients were sent, and the number of each.

Names.	No.	Names.	No.
Allen, - - - -	9	Laurel, - - - -	1
Anderson, - - - -	6	Lewis, - - - -	1
Bourbon, - - - -	22	Mercer, - - - -	27
Barren, - - - -	9	Mason, - - - -	25
Bracken, - - - -	7	Madison, - - - -	22
Breckinridge, - - - -	7	Montgomery, - - - -	5
Bath, - - - -	5	M'Cracken, - - - -	2
Boone, - - - -	5	Monroe, - - - -	2
Butler, - - - -	3	Morgan, - - - -	2
Bullitt, - - - -	3	Meade, - - - -	2
Clarke, - - - -	11	Muhlenburg, - - - -	1
Campbell, - - - -	9	Nelson, - - - -	13
Christian, - - - -	6	Nicholas, - - - -	10
Casey, - - - -	6	Owen, - - - -	6
Cumberland, - - - -	4	Ohio, - - - -	3
Caldwell, - - - -	3	Pendleton, - - - -	4
Clay, - - - -	1	Pike, - - - -	2
Clinton, - - - -	1	Perry, - - - -	2
Calloway, - - - -	1	Pulaski, - - - -	1
Daviess, - - - -	6	Rockcastle, - - - -	2
Fayette, - - - -	106	Shelby, - - - -	23
Franklin, - - - -	5	Scott, - - - -	20
Fleming, - - - -	10	Simpson, - - - -	5
Garrard, - - - -	11	Spencer, - - - -	4
Green, - - - -	6	Todd, - - - -	6
Greenup, - - - -	3	Trigg, - - - -	2
Grayson, - - - -	3	Woodford, - - - -	13
Grant, - - - -	2	Warren, - - - -	8
Gallatin, - - - -	1	Washington, - - - -	5
Harrison, - - - -	14	Wayne, - - - -	5
Henry, - - - -	10	Whitley, - - - -	2
Hardin, - - - -	7	States of Tennessee, -	9
Hopkins, - - - -	6	Alabama,, -	10
Hart, - - - -	6	Mississippi, -	8
Harlan, - - - -	3	Louisiana, -	2
Hickman, - - - -	2	Ohio, -	4
Henderson, - - - -	2	Indiana, -	8
Hancock, - - - -	1	Illinois, -	4
Jefferson, - - - -	42	Missouri, -	2
Jessamine, - - - -	16	Territory of Ouisconsin, -	1
Knox, - - - -	2	North Carolina, - -	1
Logan, - - - -	17		49
Lincoln, - - - -	13		
Livingsgton, - - - -	3		690

TABLE No. 5.

Showing the admissions, discharges, and deaths for 14 years, distinguishing the sexes.

SEX.	Admitted.	Discharged.	Died.	Remains.	Per cent. discharged.	Per cent. died.	Per cent. remain.
Males, - -	420	218	155	47	51.90	36.90	11.19
Females, - -	207	58	83	66	28.01	40.09	31.88
Total, - -	627	276	238	113	44.109	37.958	18.022

TABLE No. 6.

Showing the admissions, discharges and deaths in each year, from the opening of the Asylum in 1824, to 1st January, 1838, and the relative proportion the two latter bear to the first.

Year.	Admitted.	Discharged.	Died.	Remained.	Total in house.	Average number.	Per cent. discha'd.	Proportion disch'd, one in	Per cent died.	Proportion died, one in
1824,	54	13	2	39	54	28.00	24.07	4.15	3.07	27.00
1825,	39	15	7	56	78	46.83	19.23	5.20	8.97	11.14
1826,	33	17	4	68	89	58.83	19.10	5.23	4.49	22.25
1827,	38	22	13	71	106	71.50	20.75	4.81	12.26	8.15
1828,	35	12	9	85	106	77.41	11.32	8.53	8.49	11.77
1829,	41	12	22	92	126	91.08	9.52	10.50	17.46	5.72
1830,	31	19	16	88	123	91.08	15.44	6.47	13.00	7.68
1831,	43	18	11	102	131	93.50	13.74	7.27	8.39	11.90
1832,	42	26	15	103	146	103.33	17.80	5.61	10.27	9.73
1833,	40	14	60	69	143	83.00	9.79	10.21	41.96	* 2.38
1834,	52	27	10	84	121	76.41	22.31	4.48	8.26	12.10
1835,	54	24	21	93	138	91.41	17.38	5.75	15.21	6.57
1836,	57	24	26	100	150	101.08	16.00	6.25	17.33	5.76
1837,	68	33	22	113	168	106.91	19.64	5.09	13.09	7.63
	627	276	238							

NOTE. The above includes 118 idiots and epileptics who have died; which number being deducted from the total of admissions and deaths, will give 23.57 per cent, or 1 in 4.24. And as those patients are never discharged, will give 54.92 per cent, or 1 in 1.84 discharged.

[*Died of cholera, 43.

TABLE No. 7.

Showing in what months the deaths occurred.

In September,	-	-	-	-	-	17
In October,	-	-	-	-	-	23
In November,	-	-	-	-	-	26
In December,	-	-	-	-	-	18
In January,	-	-	-	-	-	25
In February,	-	-	-	-	-	12
Fall and winter,	-	-	-	-	-	— 121
In March,	-	-	-	-	-	14
In April,	-	-	-	-	-	10
In May,	-	-	-	-	-	14
In June,	-	-	-	-	-	10
In July,	-	-	-	-	-	12
In August,	-	-	-	-	-	14
Spring and summer,	-	-	-	-	-	— 74
Of cholera,	-	-	-	-	-	43
Total,	-	-	-	-	-	238

TABLE No. 8.

Showing the time the present patients have been in the Asylum.

Period.	Males.	Females.	Total.
Over fourteen years,	1	3	4
Over thirteen years,	—	1	1
Over twelve years,	1	—	1
Over eleven years.	—	4	4
Over ten years,	2	3	5
Over nine years,	1	2	3
Over eight years,	1	3	4
Over seven years,	—	1	1
Over six years,	1	2	3
Over five years,	3	—	3
Over four years,	2	8	10
Over three years,	5	5	10
Over two years,	2	5	7
Over one year,	7	13	20
Less than one year,	28	18	46
	54	68	122

TABLE No. 9.

Showing the civil state of the patients.

	Males.	Females.	Total.
Married, - - - - -	13	21	34
Single, - - - - -	65	47	112
Widowed, - - - - -	8	22	30
	86	90	176

TABLE No. 10.

Showing the Income and Expenditures of the Asylum from May 1, 1824, to January 1, 1838.

CHARGE.	DISCHARGE.
State appropriations, \$104,900 00	Provisions, - - \$31,429 32
Boarders, - - - 21,028 61 $\frac{1}{4}$	Clothing, - - 14,474 91 $\frac{1}{4}$
- - - - -	Furniture, - - 6,061 22
- - - - -	Salaries, - - 18,136 97 $\frac{1}{2}$
- - - - -	Medicine, - - 1,687 57 $\frac{3}{4}$
- - - - -	Fuel, - - 11,779 40 $\frac{3}{4}$
- - - - -	Conveyance, - - 6,144 58 $\frac{1}{2}$
- - - - -	Extras, - - 1,703 09 $\frac{3}{4}$
- - - - -	Repairs, - - 343 98 $\frac{3}{4}$
- - - - -	Discount on Com. paper, 1833-'34, - 1,717 90
- - - - -	Buildings, - - 30,836 54 $\frac{1}{4}$
- - - - -	124,315 52 $\frac{1}{2}$
- - - - -	Balance due by boarders, - - 771 01 $\frac{1}{2}$
- - - - -	Balance due by chairman, - - 842 07 $\frac{1}{4}$
- - - - - \$125,928 61 $\frac{1}{4}$	\$125,928 61 $\frac{1}{4}$

TABLE No. 11.

Showing the Quantity and Value of the various kind of Provisions purchased in 1838.

	Dollars Cts.	
Beef, 13,918 pounds, - - - - -	465	16 $\frac{1}{4}$
Pork, 14,502 pounds, - - - - -	618	88
Butter, 1,198 $\frac{1}{2}$ pounds, - - - - -	195	38 $\frac{1}{2}$
Flour, 15,979 pounds, - - - - -	398	97 $\frac{1}{2}$
Meal, 563 $\frac{1}{2}$ bushels, - - - - -	281	75
Eggs, 161 $\frac{1}{2}$ dozen, - - - - -	14	14 $\frac{1}{2}$
Rice, 247 pounds, - - - - -	20	54
Turnips, 36 bushels, - - - - -	12	00
Potatoes, 67 bushels, - - - - -	45	37 $\frac{1}{2}$
Salt, 41 $\frac{1}{2}$ bushels, - - - - -	36	67 $\frac{1}{2}$
Sugar, 3,916 pounds, - - - - -	407	49
Coffee, 1,488 pounds, - - - - -	235	01
Tea, 51 pounds, - - - - -	47	40
Molasses, 109 $\frac{1}{2}$ gallons, - - - - -	68	25
4 cows and 5 shoats, - - - - -	61	50
Rent of pasture, - - - - -	50	00
Sundry small articles, - - - - -	34	82 $\frac{1}{4}$
	2,993	35 $\frac{3}{4}$

LEXINGTON, *January 1, 1839.*

F. & O. F.

REPORT

OF

THE JOINT COMMITTEE ON BANKS.

The Joint Committee on Banks have examined, in person, the Bank of Kentucky, and the Lexington and Frankfort branches thereof, also, the Northern Bank of Kentucky and the Louisville branch, and the Bank of Louisville, the Louisville Savings Institution, the Mechanics' Savings Institution of Louisville, and the Louisville Gas and Water Company. They sent to all said Banks questions, in writing, and to the branches of the Bank of Kentucky and of the Northern Bank of Kentucky, questions in writing, with a request they should be answered by some two or three officers of each Bank and branch, under oath. They have received from all the Banks, and from the branches of the Bank of Kentucky, and of the Northern Bank of Kentucky, written responses to the several questions, under the oaths, of the officers, as required. They have, also, received the monthly reports of the Banks to the Secretary of State, from which they have caused to be compiled tables, exhibiting the condition of each of the Banks and branches at the close of each month for the year 1838, and have caused a general consolidated table to be compiled, exhibiting the condition of all the Banks in the Commonwealth, at the close of each month for the same time; and they caused other tables to be compiled, intended and calculated, in their opinion, to facilitate the understanding the condition and operations of the Banks of Kentucky for the past year. They would recommend that the written questions put to the Banks, and their written responses, with the tables furnished to explain the responses, and the tables which the committee have caused to be compiled, shall be printed for the information of the two houses, and the public.

From an examination of the report of the Joint Committee on Banks, at the last session, it will be seen that the specie in all the Banks in Kentucky, on the 30th day of November, 1837, was \$1,937,160 67; and the notes of all the Banks in circulation, was \$3,414,885 00. And from an examination of the tables, now presented, the specie in all the Banks, on the last of December, 1838, was \$1,613,383 83, and the notes in circulation, \$5,418,320, being a decrease of specie to the amount of \$324,026 84, and increase of circulation to the amount of \$2,003,435. It will also be seen, that on the

30th November, 1837, the combined discount and bill lines amounted to \$10,441,340 84; and from the present tables, that on the last of December, 1838, the combined note and bill lines amounted to \$12,017,347 83, being an increase of accommodation to the business of the country, of \$1,576,006 99. From the same tables, it will be seen that the Bank of Kentucky increased her business, \$272,093 93, and has increased her circulation, \$613,004; and that she has paid to the government of the United States, on account of public deposits, and to the Bank of the United States, on account of a debt due that Bank, \$1,078,717 21, leaving a balance of \$302,263 34. It also appears the Northern Bank has increased her circulation, \$944,479, and has increased her business, \$936,747 46. That on the 30th of Nov. 1837, her notes under discount, was \$2,410,614 65, and on the last of December, 1838, \$2,049,760 44, being a decrease of \$370,854 21; and her bills, on the 30th of November, 1837, was \$527,936 04, and the last of December, 1838, was \$1,835,537 02, being an increase of \$1,307,570 96.

It will also be seen, that on the 30th November, 1837, the Bank of Louisville had \$932,525 71 of notes under discount, and that on the first of December, 1838, she had \$1,058,310 78, being an increase of \$126,213 00; and in 1837 she had \$186,377 73 in bills, and that on the last of December, 1838, she had \$344,531 15, being an increase of \$158,153 42; and her circulation was then \$99,545, and was the last of December \$468,514, being an increase of \$369,019; and she then had \$153,069 95 in specie, and had on the last of December \$142,946 61, being a decrease of \$10,123 34.

The committee have no means of ascertaining the true proportion between the annual amount required by the community in its banking operation in the bill line, and in the discount line. They know the amount will vary in each year, because of the increase and decrease of the prices of produce; and it's reasonable to suppose that the suspension and interruption of trade would have some effect on the different lines of business, but still they suppose it could rarely happen that the requirements of trade in the bill line, would equal the business in the discount line. They cannot be mistaken in asserting, as a general principle, that the business of the Banks ought not to be forced into the bill line, and that any constraint on the part of the Banks to force the business of their customers into that line, would be an infraction of their charters, and a violation of the duty they owe the public.

It will be seen from the tables, that on the last of December, the notes under discount, in all the Banks, was \$7,951,014 34, besides the suspended debt; and the bills of exchange was \$4,066,333 49; and that the bills of exchange constitute about one third of the business of the Banks. The subject of exchange is one of great interest to the Banks, and to the people; the commerce of the world is carried on, and the balances due from one country to another settled through its agency. The course of our own trade illustrates its operation: We sell our bale rope and bagging, and most of our other productions, in the south, and with the proceeds purchase bills on the eastern cities, and thus pay for the merchandise which we buy in the north; to the south we sell more than we buy, and the trade is in our favor; from the north we purchase more than we sell, and the trade is against us; the balance in our favor from the south, pays the balance against us in the north; the payments are made through the agency of bills of exchange; the price of exchange is the cost of transporting the money from one place

to the other, and cost of insurance, and the loss of interest. When the currency is sound, and the trade healthy, the consuming country pays the exchange; but where the currency is unsound, and the trade a losing one, the reverse is the case. The Banks furnish the money to our southern traders on their bills, payable in the south, and invest the proceeds in bills on the north, and by drawing bills on the north in favor of our merchants, pay for our merchandise, and retain their specie, which would otherwise pass to the north in payment of the balance against us. Thus it is seen that exchange is essential to a Bank of circulation, otherwise it must import specie to meet its waste, in payment of the balances against us in favor of the countries from which we purchase more than we sell; and it is highly interesting to the people for the ease and security it affords in carrying on the mercantile operations of the country. The committee have examined the Banks as to the operations in exchange, and the price which they have charged, and the various places on which they purchased bills, and have caused a table to be compiled for the more readily understanding it. The variations to be found in the premiums charged on bills on the south, arose from the suspension of specie payments, and the fact that the paper of the Banks in the south was more depreciated than our own. These bills had to be collected in the notes of the southern Banks, and when so collected, a greater discount had to be given for specie, or eastern funds, than the premium received; and the uncertainty whether the premium, at which our Banks could sell their eastern funds, might not be sufficient to make up the difference and the loss of interest, and the further fact, that in times of suspension the tendency of a paper currency, not convertible into gold and silver, is to a still further depreciation; to meet which, provision had to be made in the premiums charged. It is satisfactory to see, that so soon as a resumption of specie payments was determined on in the south, that the Banks of Kentucky reduced the premiums on bills. The committee are of opinion that the Banks of Kentucky are not liable to the imputation of practising usury, under pretence of charging premiums on exchange, but that the premiums charged, under the circumstances, was not more than a fair equivalent for the risk run. The Banks will realize a profit on the southern funds, not invested before the resumption in the south, but had the resumption not taken place, they might have lost, and could have realized but little profit. The Banks might practice usury under color of exchange, and the rates at which they buy and sell exchange should be carefully looked to, and the Banks preserved from the taint of usury, by a fixed determination on the part of the representatives of the people to keep them within the pale of their charters. The Banks might also practice usury by discounting notes, to be paid in the notes of Banks which are under par. There has been some instances of it, in the practice of our Banks, as will be seen by a careful examination of the written questions and responses. It is a practice which ought not to be tolerated, and which must be discontinued. The committee are of opinion, from the parol examinations they made of the officers of the Banks on the subject, that it arose from no settled purpose of practising usury, and will be abandoned on the expression of the disapprobation of the Legislature.

In the parol examinations which the committee made of the officers of the several Banks, they ascertained that the Northern Bank of Kentucky, the Bank of Louisville, and the Louisville Savings' Institution, considered that they had the right, under their charters, to sell bank notes at a premium,

and thus to use them as exchange, and that they were in the constant habit of doing so; but when examined as to their right, under their charters, to purchase bank notes under par, and thus use them as exchange, they did not express a full conviction of the power, and declared that it was not their practice. It was ascertained the Bank of Kentucky had taken counsel on the questions, and considered they had no power to purchase bank notes under par, or to sell them above par, and had not practiced either. The committee, in their parol examinations of the officers of the Banks, examined them as to their opinions of the advantages and disadvantages of such a power, and found a difference of opinion prevailed.

They have been induced to bestow some attention upon the question, and the more they have examined it the more has the importance of a correct decision impressed itself on their judgment.

It seems to the committee that Banks are nothing more than mercantile establishments dealing in money, and authorized, to a certain extent, to substitute their own notes in its place, and with their capital and their credit, to furnish the means and facilitate the exportations of the surplus of the country, and the importation of the articles required for its consumption. From an examination of the Bank charters, they find their powers limited to this extent, although broader powers seemed, from some expressions, to have been at first contemplated. They are authorized to deal in money, and to substitute their own notes for money. They are authorized to discount promissory notes, but such notes must be made payable and negotiable at some incorporated Bank in the State; the common promissory note of an individual they cannot discount; and a bank note is but the promissory note of a corporation. They cannot discount a negotiable note after it falls due, although it remains unpaid; and a bank note is due on demand, or on demand after a certain day, and not the subject of Bank discount. They are authorized to deal in exchanges, but a bank note is not exchange; it was sent into the world as money, and if it fulfils its mission, it must be taken and held as money. In judicial proceedings, a payment in bank notes is held a payment in money; and an action for money had and received will be sustained, where the proof is, that bank notes was received. By the practice and consent of mankind, bank notes are taken and held as money, and are substituted by the Banks as such. If they are not circulated and used as money, they must be degraded to the condition of common promissory notes, and as such prohibited to the Banks. When individuals receive bank notes in payment of debts, they receive them as money; and when Banks receive them in payment of debts, they, also, receive them as money. They remain in the Banks as money, and as such, must be paid out by the Banks; for the Banks have no authority to deal in them, except as money. The committee are of opinion that the practice of selling bank notes, at a premium, is not warranted by the charters of our Banks, and that the purchasing Bank notes, at a discount, is also prohibited, and that neither should be practiced.

They believe that the power, if possessed and practised by the Banks, would degrade the institutions from dealers in money and exchange, to that of brokers and shavers; that they would no longer be the hand-maids of agriculture, manufactures and commerce, interested in maintaining a sound currency and a healthy action in all the business pursuits of life, but would be harpies, fattening on the disorders of the currency, and interested in

its fluctuations; they would no longer furnish efficient aid to the business pursuits of life, but would use their capital, and their credit, in buying and selling the notes of each other, in total disregard of the object of their establishment, and to the destruction of the best interests of the community.

The money of the Banks is kept active, the loans well secured, and latterly distributed among alarger number of customers. The postponed debts are but few, and in a course of reduction, in accordance with the terms on which time was given; and in almost every case, the payments have been promptly made. The Banks appear to be well managed, with fair dividends to the stockholders, and to afford efficient aid to all the business pursuits of life. The monthly tables exhibit but little variation in the amount of accommodations on the combined discount and bill line, and that variation grows out of the periodical increase and decrease of the business of the country. The diminution of specie has been less, considering the amount of debt paid and the sums required to supply change for the ordinary business of the country, than might have been expected. The Banks availed themselves of the privilege, granted at the last session, of issuing small notes to about the sum of \$300,000, and the issue was found to be of great advantage for the purposes of change, before the resumption, and since the resumption, has supplied the change for much of the ordinary business, and prevented a draft on the Banks to supply specie for that purpose. The Banks no longer pay out their own small notes, and they are in the course of withdrawal from circulation, and will be replaced with specie. The increased circulation of the Banks will be maintained by the active character of the debts due the Banks, and from the high prices which we are getting for all our products, which must bring a large amount of eastern exchange to pay for our merchandise.

The committee were solicitous to ascertain what proportion the circulation of the Kentucky Banks bore to that of the whole paper circulation in the State. The result of their inquiries was, that our Banks furnished from five to six-sevenths of the entire circulation.

They made inquiry as to the character of superintendence which the Bank of Kentucky, and the Northern Bank of Kentucky, practiced towards their branches, and were satisfied it was careful and efficient, and well calculated to guard the safety and usefulness of the branches.

They did not take the same course of examination that was pursued last year by the committee on Banks, but so framed the questions as to reach the the information they deemed most essential. They regret the branch at Maysville thought proper to answer one of the enquiries without giving the desired information.

The committee handed to the Bank of Kentucky, and to the Northern Bank of Kentucky, certain questions concerning the public moneys which had heretofore been deposited in those Banks, by the general government, and the disbursement thereof; and the responses of those Banks, with the tables containing the state of the accounts, from time to time, accompany this report, which they recommend to be published.

The officers of the Banks afforded the committee every facility in making the examinations, and answered, fully and fairly, all questions put to them, touching the condition and operations of the Banks, and the manner of keeping their books, and the connection of the Banks with the trade of the country.

The committee, also, examined the Louisville Gas and Water Company, with the view of seeing the capital stock with which the company was organized, and what arrangement they had made, or were likely to make, to light the city with Gas.

All which is respectfully submitted.

JAMES GUTHRIE,	{	<i>Senate's Com.</i>
A. BEATTY,		
DAVID TRIMBLE,	{	<i>H. R. Com.</i>
JOSEPH LECOMPTE,		
ELEZEMOND BASYE,		
B. H. REEVES,		

DOCUMENTS, &c.

A CONSOLIDATED STATEMENT, showing the Resources and Liabilities of all the Banks in Kentucky, each month, from the 1st day of January, to the 31st day December, 1838.

RESOURCES.

1838.			Bills discounted.	Bills of exchange.	Suspended debt.
January,	-	-	8,265,706 74	1,921,980 12	127,147 48
February,	-	-	8,304,831 52	1,712,004 21	130,288 25
March,	-	-	8,511,965 11	1,679,813 95	89,153 07
April,	-	-	8,589,602 02	1,713,238 29	89,403 41
May,	-	-	8,602,196 91	1,536,106 03	86,553 92
June,	-	-	8,491,078 81	1,646,486 61	89,008 99
July,	-	-	8,361,143 60	1,637,591 95	89,188 99
August,	-	-	8,444,916 18	1,846,042 95	90,230 44
September,	-	-	8,374,196 41	2,358,494 52	146,054 19
October,	-	-	8,374,532 74	3,245,549 87	83,290 77
November,	-	-	8,263,453 41	3,758,752 14	77,401 66
December,	-	-	7,951,014 34	4,066,333 49	105,223 87

1838.			Real estate.	Expenses.	Due by other banks.
January,	-	-	213,787 31	11,724 47	1,822,782 59
February,	-	-	213,793 38	20,693 54	2,042,272 85
March,	-	-	214,947 34	30,142 03	1,567,896 21
April,	-	-	215,764 28	37,336 24	1,480,063 83
May,	-	-	215,764 28	43,390 00	1,702,728 48
June,	-	-	215,920 15	8,232 95	1,847,127 99
July,	-	-	215,920 15	7,842 04	1,924,588 24
August,	-	-	216,020 15	16,134 61	1,684,956 45
September,	-	-	216,147 55	23,706 70	1,376,299 02
October,	-	-	221,671 46	30,605 86	1,257,229 52
November,	-	-	222,316 71	38,163 08	1,055,231 17
December,	-	-	224,264 51	4,551 72	1,394,183 10

CONSOLIDATED STATEMENT—Continued.

RESOURCES.

1838.	Specie on hand.	Notes of other Banks.	State and City Bonds.
January, - -	1,809,793 18	833,162 82	2,375,000 00
February, - -	1,805,881 03	971,159 17	2,375,000 00
March, - -	1,827,431 41	831,099 69	2,375,000 00
April, - -	1,850,685 83	969,702 37	2,385,000 00
May, - -	1,908,537 95	940,544 85	2,510,000 00
June, - -	2,027,304 81	690,476 26	2,510,000 00
July, - -	1,966,514 86	881,302 43	2,510,000 00
August, - -	1,723,546 42	730,293 85	2,510,000 00
September, - -	1,678,781 18	741,848 45	2,510,000 00
October, - -	1,663,364 11	946,901 04	2,510,000 00
November, - -	1,604,992 78	839,042 15	2,510,000 00
December, - -	1,613,133 83	861,798 72	2,510,000 00
1838.	Bank checks unpaid.	Treasurer of the State.	Interest account.
January, - -	171,676 42		
February, - -	66,883 96		
March, - -	193,295 26	4,118 15	21,162 99
April, - -	82,095 18	4,117 85	20,625 00
May, - -	143,717 85	-	20,735 67
June, - -	61,315 88	-	52,500 00
July, - -	43,892 69		
August, - -	27,810 79		
September, - -	15,527 00		
October, - -	14,777 00		
November, - -	27,330 85	-	13,863 22
December, - -	26,884 75	451 48	31,000 00
1838.	City of Louisville.	Certificate of deposit, Vicksburg	Costs of suits.
January, - -	244 73		
February, - -	415 13		
March, - -			
April, - -			
May, - -	1,308 83		
June, - -	8,090 46		
July, - -	163 56		
August, - -	692 16		
September, - -	907 73	9,389 98	7 75
October, - -	702 38	9,389 98	
November, - -	1,478 64		
December, - -	1,137 41	-	111 54

CONSOLIDATED STATEMENT—Continued.

RESOURCES.

1838	Interest paid Bank U. S.	Suspence account.	Premiums.	Protest acc't.
January, -				
February, -	-	-	231 14	1 66
March, -	-	-	-	1 66
April, -				
May, -	9,219 04			
June, -				
July, -				
August, -				
September, -	13,750 00			
October, -	13,750 00	766 59		
November, -	8,763 13	1,009 79		
December, -	-	1,009 79		

1838	State of Ky.	Int'st on dep'te & exp's.	Due from Sup. on rivers.	Cash in transitu.
January, -	-	704 18	2,412 55	4,981 01
February, -	-	1,234 80	1,326 57	4,981 01
March, -	-	1,474 52	6,326 57	
April, -	-	2,315 93	6,326 57	
May, -	-	3,060 53	17,620 07	
June, -	-	3,344 95	48 00	
July, -	-	1,196 25	48 00	
August, -	-	2,322 21	93 50	
September, -	-	2,668 61	41 00	
October, -	-	3,820 81	41 00	
November, -	-	4,318 04	41 00	
December, -	25,000	4,634 01	41 00	

1838	City of Louisville Sinking Fund.	Bank notes and silver.	Total.
January, -	-	27,589 08	17,588,692 68
February, -	-	25,631 41	17,676,629 63
March, -	-	20,073 92	17,373,901 88
April, -	-	25,903 67	17,472,180 47
May, -	-	23,473 58	17,764,957 99
June, -	-	46,494 24	17,697,430 10
July, -	-	25,056 61	17,664,449 37
August, -	-	20,318 42	17,313,378 13
September, -	194 53	29,259 08	17,497,273 70
October, -	-	33,704 53	18,410,097 66
November, -	-	26,580 01	18,452,737 18
December, -	-	40,426 65	18,861,200 28

CONSOLIDATED STATEMENT.

LIABILITIES.

1838	Capital Stock.	Notes in circulation.	Individual Deposits.
January, - -	8,634,644 36	4,088,310 00	1,159,672 89
February, - -	8,659,604 60	4,187,735 00	1,271,738 84
March, - -	8,664,929 60	4,092,635 00	1,253,135 57
April, - -	8,666,920 60	4,139,935 00	1,331,759 37
May, - -	8,683,510 60	4,279,303 00	1,371,070 41
June, - -	8,731,155 60	4,507,170 00	1,467,789 23
July, - -	8,758,227 60	4,526,220 00	1,322,143 36
August, - -	8,773,423 60	4,350,876 00	1,328,262 53
September, - -	8,777,671 60	4,634,647 00	1,355,822 23
October, - -	8,822,925 00	5,251,886 00	1,349,139 68
November, - -	8,864,990 00	5,331,454 00	1,268,433 29
December, - -	8,918,004 00	5,418,320 00	1,459,112 57
1838	Due to other Banks.	Due to the Treasury of the State.	Due to Treasury of U. States.
January, - -	1,080,780 30	88,076 30	777,347 92
February, - -	1,061,330 58	33,122 86	761,380 02
March, - -	1,202,050 86	22,645 86	709,189 69
April, - -	1,072,028 58	15,027 07	700,904 40
May, - -	948,255 03	175,848 72	727,063 90
June, - -	758,885 64	65,709 53	566,295 18
July, - -	643,504 75	33,550 21	747,506 57
August, - -	611,810 59	25,761 83	461,097 76
September, - -	706,945 06	6,831 80	155,816 45
October, - -	896,660 15	3,340 65	177,842 22
November, - -	897,912 10	4,872 20	193,416 43
December, - -	1,029,467 40	69,967 45	338,946 70
1838	Due Commissioners of Sinking Fund.	Due Treas. of Internal Improvement.	Contingent Fund and Profit and Loss.
January, - -	55,137 14	116,784 87	243,240 30
February, - -	72,944 62	9,153 01	243,240 30
March, - -	1,996 85	-	243,246 30
April, - -	23,295 41	8,631 26	243,251 70
May, - -	7,194 66	1,551 26	243,251 70
June, - -	7,194 66	2,387 76	304,022 37
July, - -	40,786 20	115,179 10	230,710 98
August, - -	40,393 20	140,913 18	229,176 38
September, - -	71,606 24	204,877 03	229,176 38
October, - -	39,628 84	234,114 82	229,176 38
November, - -	42,838 84	179,520 69	229,176 38
December, - -	9,805 52	245,744 84	360,089 92

CONSOLIDATED STATEMENT—Continued.

LIABILITIES.

1838	Discounts and premiums.	Bank of the U. States.	Board of education.
January, - -	44,749 53	1,193,761 80	
February, - -	118,480 10	1,193,761 80	
March, - -	200,352 17	918,761 80	
April, - -	247,025 88	918,761 80	22,847 77
May, - -	302,292 93	918,761 80	22,597 77
June, - -	259,327 69	918,761 80	22,597 77
July, - -	60,528 31	918,761 80	22,597 77
August, - -	123,220 01	918,761 80	22,225 92
September, - -	198,267 98	918,761 80	22,125 02
October, - -	279,056 50	918,761 80	22,125 02
November, - -	348,261 78	734,380 90	21,975 02
December, - -	278,612 02	459,380 90	21,945 02
1838	Dividends unclaimed.	Pn. on acc't of Int. Impr'vmnt.	District court U. States.
January, - -	40,280 47		
February, - -	10,944 41		
March, - -	10,108 10		
April, - -	9,395 59		
May, - -	8,920 19		
June, - -	7,927 77		
July, - -	131,021 67		
August, - -	97,436 21	3,181 23	
September, - -	75,428 43	4,141 53	
October, - -	70,703 32		
November, - -	22,275 44	-	2,220 00
December, - -	21,538 55	-	2,220 00
1838	James Clark, Governor.	Costs of suit.	Real estate fund.
January, - -			
February, - -			
March, - -			
April, - -			
May, - -			
June, - -			
July, - -			
August, - -			
September, - -			
October, - -			
November, - -	100,000 00	34 78	
December, - -	100,000 00	-	2,500 00

CONSOLIDATED STATEMENT—Continued.

LIABILITIES.

1838	Due State of Kentucky.	Due State Government officers.	Deposits at 4 per cent interest.
January, - -	15,000 00	-	41,590 61
February, - -	-	-	41,798 61
March, - -	-	-	45,230 61
April, - -	-	-	61,090 61
May, - -	-	-	59,397 65
June, - -	-	-	57,092 05
July, - -	-	42,508 96	56,732 30
August, - -	-	112,508 96	60,231 71
September, - -	-	57,720 44	66,563 71
October, - -	-	29,247 94	67,668 71
November, - -	-	128,449 94	63,817 13
December, - -	-	32,124 94	64,278 13
1838	Weekly deposits.	Due Treasurer City Louisville.	Pt. & loss, disc'tnt exchange & instst.
January, - -	6,358 00	-	2,958 19
February, - -	6,852 50	-	4,542 38
March, - -	2,054 50	1,529 14	6,035 83
April, - -	3,137 00	883 48	7,284 95
May, - -	4,918 75	-	11,019 62
June, - -	8,896 75	-	12,216 80
July, - -	4,990 75	-	6,683 79
August, - -	2,082 75	-	8,690 47
September, - -	2,100 00	-	9,724 00
October, - -	5,700 00	-	11,190 91
November, - -	2,169 79	-	12,630 42
December, - -	4,929 79	-	14,013 23
1838	City of Louisville, Sinking Fund.		Total.
January, - - - -	-	-	17,588,692 68
February, - - - -	-	-	17,676,629 63
March, - - - -	-	-	17,373,901 88
April, - - - -	-	-	17,472,180 47
May, - - - -	-	-	17,764,957 99
June, - - - -	-	-	17,697,430 10
July, - - - -	2,795 25	-	17,664,449 37
August, - - - -	3,324 90	-	17,313,378 13
September, - - - -	-	-	17,497,273 70
October, - - - -	1,529 72	-	18,410,097 66
November, - - - -	3,608 05	-	18,452,737 18
December, - - - -	10,199 53	-	18,861,200 21

BANK OF KENTUCKY—

AT LOUISVILLE.

WHERE PAYABLE.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
New Orleans, - - -	-	1	$\frac{1}{2}$	$\frac{1}{2}$	5	5	5	5	3	2	2	
Cincinnati, - - -	-	half	half	half	half	half	half	half	half	half	half	
Madison and New Albany, -	-	do	do	do	do	do	do	do	do	do	do	
Terre Haute, - - -	-	2	2	2	2	2	2	2	1	1	1	
Vincennes and Evansville, -	-	1	1	1	1	1	1	1	1	1	1	
St. Louis, - - -	-	2	2	2	2	2	2	2	2	1	1	
Philadelphia, New York, and Boston, - - -	-	par	par	par	par	par	par	par	par	par	par	
Pittsburg, - - -	-	half	half	half	par	par	par	half	half	half	half	
Wheeling, - - -	-	do	do	do	half	half	half	do	do	do	do	
Richmond, Va., - - -	-	2	2	2	2	2	2	1	1	1	1	
Shawnetown, - - -	-	2	2	2	2	2	2	2	2	1	1	
Lexington, Maysville, Frank- fort, and Danville, - - -	-	half	half	half	half	half	half	half	half	half	half	
Greensburg, Hopkinsville, and Bowlinggreen, - - -	-	1	1	1	1	1	1	do	do	do	do	

RATES OF EXCHANGE—Continued.

AT FRANKFORT.

WHERE PAYABLE.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
New Orleans, -	-	half	3	3 to 5	5	half	5	5	3 to 5	2 to 3	2	2
Louisville and Lexington, -	-	half	half	half	half	half	half	half	half	half	half	half
Cincinnati and St. Louis, -	-	1	1	1	1	1	-	1	-	1	half	half
Within the State, -	-	half	half	half	half	half	do	half	do	half	half	half
Pittsburg, -	-	-	-	-	-	-	-	-	-	-	par	par
New York, -	-	-	-	-	-	-	-	-	-	-	par	par
City of Washington, -	-	-	-	-	-	-	-	-	-	-	par	par
South Carolina and Georgia, -	-	-	-	-	-	-	-	5	5	-	par	half

AT LEXINGTON.

New Orleans, -	-	3	5	5	5	5	5	5	3	2	2	2
Alton, Illinois, -	-	-	-	1	1	1	1	1	1	1	half	half
Cincinnati, -	-	1	-	half	half	par	par	par	1	-	1	par
Washington city, -	-	-	half	par	half	-	-	-	1	par	par	half
New York, -	-	-	-	par	do	-	-	-	-	-	-	-
Within the State, -	-	half	do	half	do	half	half	half	-	-	-	-

South Carolina,	-	-	-	5	5	3	3	2	2
St. Louis,	-	-	-	-	5	3	3	2	2
Richmond, Va.,	-	-	-	-	1	1	-	1	1
Georgia,	-	-	3	-	-	-	-	-	3
Illinois,	-	-	-	-	-	1	-	3	3
Philadelphia and Baltimore,	-	-	-	-	-	-	-	par	

AT MAYSVILLE.

New Orleans,	-	3	3	3	5	5	5	-	2
Georgia,	-	5	-	-	-	5	5	3	2
South Carolina,	-	5	5	half	half	half	half	half	half
Louisville,	-	half	half	half	half	half	half	half	half
Lexington,	-	do	half	half	-	-	-	-	half
Boston,	-	do	half	half	-	half	half	-	half
Philadelphia,	-	-	half	half	-	-	-	-	half
Pittsburg,	-	-	half	half	-	3	3	2	2
Richmond, Va.,	-	-	3	-	3	half	half	half	half
Charleston, Kena.,	-	-	1½	-	half	half	half	half	half
Wheeling,	-	-	-	-	half	half	half	half	half
Paris, -	-	-	-	-	-	-	-	-	half
Cincinnati,	-	-	-	-	-	-	-	-	half
Baltimore,	-	-	-	-	-	-	-	-	half
New York,	-	-	-	-	-	-	-	-	half

AT DANVILLE, GREENSBURG, BOWLINGGREEN, HOPKINSVILLE.

The returns from these branches are not entirely full; the rates of exchange are, however, about the same as exhibited above.

RATES OF EXCHANGE—Continued.

NORTHERN BANK—

AT LEXINGTON.

WHERE PAYABLE.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
New Orleans,	-	-	-	5	5	5	5	5	3 to 5	2	2	2
Richmond, Va.,	-	3	3	-	3	-	-	-	2	2	2	2
South Carolina,	-	3	3	-	3	-	3	3	2½	2	2	2
Georgia,	-	half	half	half	half	half	half	half	half	half	half	half
Within the State,	-	half	par	-	par	par	par	par	par	par	par	par
Philadelphia,	-	3	3	-	-	-	-	-	par	par	par	par
Natchez,	-	-	1	-	-	1	-	-	par	par	par	par
Cincinnati,	-	-	par	-	-	-	-	-	par	par	par	par
New York,	-	-	par	-	-	par	par	par	par	par	par	par
Baltimore,	-	-	-	-	-	par	-	-	par	par	par	par
Washington city,	-	-	-	-	-	par	par	par	par	par	par	par
St. Louis,	-	-	-	-	-	-	-	-	par	par	par	par

AT LOUISVILLE.

New Orleans,	-	-	-	2½ to 3	3	3 to 5	5	3½ to 5	5	3 to 5	2 to 3	2	2	2
New Albany,	-	-	-	half	half	half	half	half	half	half	half	half	half	half
Cincinnati,	-	-	-	half	half	half	half	half	half	half	half	half	half	half
Wheeling,	-	-	-	half	half	half	half	half	half	half	half	half	half	half
Baltimore,	-	-	-	par	par	par	par	par	par	par	par	par	par	par
New York,	-	-	-	par	par	par	par	par	par	par	par	par	par	par
Within the State,	-	-	-	half	half	half	half	½ to 1½	½ to 1½	½ to 1½	½ to 1½	½ to 1½	½ to 1½	½ to 1½
Madison,	-	-	-	-	half	half	half	half	half	half	half	half	half	half
Pittsburg,	-	-	-	-	half	half	half	half	half	half	half	half	half	half
Boston,	-	-	-	-	half	½ to p'r ½	par	par	par	par	par	par	par	par
Philadelphia,	-	-	-	-	par	-	par	par	par	par	par	par	par	par
Steubenville,	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Chillicothe,	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Richmond, Va.	-	-	-	-	½ to 1	1 to 1½	-	1½	-	1½	-	1½	1½	1½
St. Louis,	-	-	-	-	-	-	-	2	2	2	1½ to 2	1½	2	2
Shawneetown,	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Bedford,	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile,	-	-	-	-	-	-	-	-	-	-	-	-	-	-

AT PARIS, COVINGTON, RICHMOND.

The rates of exchange at these branches are about the same as above exhibited.

RATES OF EXCHANGE—Continued.

BANK OF LOUISVILLE.

WHERE PAYABLE.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
New Orleans,	-	2	-	-	-	5	5	5	3	2	2	2
Cincinnati,	-	half	half	half	half	half	half	half	half	half	half	half
Madison and New Albany,	-	half	half	half	half	half	half	half	half	half	half	half
Wheeling and Pittsburg,	-	half	half	half	half	half	half	half	half	half	half	half
Frankfort and Danville,	-	half	half	half	half	half	half	half	half	half	half	half
Hopkinsville, Bowlinggreen,	-	1	1	1	1	1	1½	1½	1½	1½	1½	1½
Greensburg,	-	1	1	1	1	1	1½	1½	1½	1½	1½	1½
Lexington, Maysville,	-	half	half	half	half	half	half	half	half	half	half	half
Terre Haute, Vincennes,	-	1½	1½	1½	1½	1½	1½	1½	1½	1	1	1
Evansville,	-	1	1	1	1	1	1	1	1	1	1	1
St. Louis,	-	2	2	2	2	2	2	2	2	1	1	1
Charleston, and Richmond, Va.	-	1	1	1	1	1	2	1½	1½	1	1	1
Shawneetown,	-	1½	1½	1½	1½	1½	1½	1½	1½	1	1	1
Philadelphia and New York,	-	half	half	half	half	half	half	half	half	par	par	par
Baltimore,	-	half	half	half	half	half	half	half	half	par	par	par

LOUISVILLE SAVINGS INSTITUTION.

WHERE PAYABLE.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
Bedford, Ind.,	-	-	-	-	-	-	-	-	-	-	-	2
Wheeling,	-	-	-	-	-	-	-	-	-	-	-	2
New Albany,	-	-	-	-	-	-	-	-	-	-	-	half
Quincy, Ill.,	-	-	-	-	-	-	-	-	-	-	-	half
Boston,	-	-	-	-	-	-	-	-	-	-	-	1 ½
New Orleans,	-	-	-	-	-	-	-	-	-	-	-	2
Canton, Ind.,	-	-	-	-	-	-	-	-	-	-	-	2
Newark, N. J.,	-	-	-	-	-	-	-	-	-	-	-	half
Salem and Paris, Ind.,	-	-	-	-	-	-	-	-	-	-	-	1
Hopkinsville, Ky.,	-	-	-	-	-	-	-	-	-	-	-	half

BANK OF KENTUCKY—

AT LOUISVILLE.

Bills Discounted.

1838.

	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	108	126	233	54	24	15	11	1	1	1	4	45,000 to 50,000.
February,	155	126	232	56	26	13	11	1	1	1	4	40,000 to 45,000
March,	155	131	238	53	28	13	9	1	2	1	4	35,000 to 40,000
April,	162	129	245	55	22	17	4	1	2	1	4	30,000 to 35,000
May,	167	127	240	51	27	16	6	1	2	1	4	25,000 to 30,000
June,	166	122	226	60	23	19	4	2	2	1	4	20,000 to 25,000
July,	174	119	232	57	23	19	2	2	1	1	4	15,000 to 20,000
August,	166	127	234	57	21	16	2	4	2	1	4	10,000 to 15,000
September,	165	131	246	54	22	13	4	3	2	1	3	5,000 to 10,000
October,	165	130	257	59	20	14	5	2	1	1	3	1,000 to 5,000
November,	165	130	257	59	20	14	5	2	1	1	3	500 to 1,000
December,	165	130	257	59	20	14	5	2	1	1	3	100 to 500

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT LOUISVILLE.

Bills of Exchange.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
1833.												
January,	20	23	51	9	4	1	1	1	1	1		
February,	21	25	49	7	3	1	1	1				
March, -	16	17	39	10	5	2	1	1	1			
April, -	20	11	44	12	3	3	1	1				
May, -	18	21	33	12	3	3	1	1	1			
June, -	24	20	31	11	6	4	1	1				
July, -	26	22	39	10	5	2	1	1				
August, -	32	25	41	12	6	3	1	1				
September,	38	33	45	13	3	3	3	1				
October,	37	21	66	14	4	1	2	1	1	1		
November,												
December,												

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT FRANKFORT.

1833.	Bills Discounted.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000	
January,	214	87	99	11	-	1	1	-	-	1	-	-	
February,	217	85	104	9	-	1	1	-	1	1	-	-	
March,	229	82	101	11	-	1	1	1	1	1	-	-	
April,	245	78	99	12	-	2	-	1	1	1	-	-	
May,	236	78	101	10	1	2	-	1	1	1	-	-	
June,	227	64	88	11	1	1	-	-	-	-	-	-	
July,	250	83	99	10	1	1	-	-	-	-	-	-	
August,	248	81	105	8	1	1	-	-	-	-	-	-	
September,	263	77	105	9	2	1	-	1	1	-	-	-	
October,	255	80	100	11	2	1	-	1	1	1	-	-	
November,	-	-	-	-	-	-	-	-	-	-	-	-	
December,	-	-	-	-	-	-	-	-	-	-	-	-	

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT FRANKFORT.

Bills of Exchange.

1838.

January,	-	19	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
February,	-	10		17	35	1	1							
March,	-	6		13	27	1								
April,	-	8		9	27									
May,	-	9		10	22									
June,	-	11		15	25	2								
July,	-	12		17	22	3								
August,	-	12		21	21	6								
September,	-	10		24	30	7								
October,	-	10		32	32	4								
November,	-	10				7								
December,	-													

[App. to S. J.]

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT LEXINGTON.

Bills Discounted.													
1838.		100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
	January,	251	106	160	16	4							
	February,	251	124	152	12	4							
	March,	257	133	145	16	3							
	April,	270	122	158	17	3	1						
	May,	256	121	156	18	3	1						
	June,	265	108	153	20	3	1						
	July,	265	114	163	15	2	1						
	August,	250	121	150	17	1	1						
	September,	244	114	152	13	1	1						
	October,	256	111	145	14	2							
	November,	-	-	-	-	-	-	-	-	-	-	-	-
	December,	-	-	-	-	-	-	-	-	-	-	-	-

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT LEXINGTON.

	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
1838.												
January,	-	-	-	-	-	-	-	-	-	-	-	-
February,	-	-	-	-	-	-	-	-	-	-	-	-
March, -	-	-	-	-	-	-	-	-	-	-	-	-
April, -	-	-	-	-	-	-	-	-	-	-	-	-
May, -	-	-	-	-	-	-	-	-	-	-	-	-
June, -	-	-	-	-	-	-	-	-	-	-	-	-
July, -	-	-	-	-	-	-	-	-	-	-	-	-
August, -	-	-	-	-	-	-	-	-	-	-	-	-
September,	-	-	-	-	-	-	-	-	-	-	-	-
October,	-	-	-	-	-	-	-	-	-	-	-	-
November,	-	-	-	-	-	-	-	-	-	-	-	-
December,	-	-	-	-	-	-	-	-	-	-	-	-

BANK OF KENTUCKY—

AT MAYSVILLE.

Bills Discounted.

	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
1838.												
January,	177	95	113	16	6	1	1	1	1	1		
February,	179	97	126	6	3	1	1	1	1	1		
March, -	187	99	119	17	4	1	1	1	1	1		
April, -	197	104	138	3	5	1	1	1	1	1		
May, -	190	100	137	2	5	1	1	1	1	1		
June, -	195	103	124	15	7	1	1	1	1	1		
July, -	203	109	130	15	7	1	1	1	1	1		
August, -	211	120	133	17	6	3	1	1	1	1		
September,	204	109	131	15	6	3	1	1	1	1		
October, -	210	99	124	15	9	3	1	1	1	1		
November, -												
December, -												

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT MAYSVILLE.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	-	-	-	-	-	-	-	-	-	-	-	-
February,	-	-	-	-	-	-	-	-	-	-	-	-
March, -	-	-	-	-	-	-	-	-	-	-	-	-
April, -	-	-	-	-	-	-	-	-	-	-	-	-
May, -	-	-	-	-	-	-	-	-	-	-	-	-
June, -	-	-	-	-	-	-	-	-	-	-	-	-
July, -	-	-	-	-	-	-	-	-	-	-	-	-
August, -	-	-	-	-	-	-	-	-	-	-	-	-
September,	-	-	-	-	-	-	-	-	-	-	-	-
October,	-	-	-	-	-	-	-	-	-	-	-	-
November,	-	-	-	-	-	-	-	-	-	-	-	-
December,	-	-	-	-	-	-	-	-	-	-	-	-

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT DANVILLE.

1838.	Bills Discounted.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	202	98	27									
February,	231	112	26									
March, -	-	-	-									
April, -	-	-	24									
May, -	-	116										
June, -	-	-										
July, -	-	-										
August, -	-	-										
September,	-	-										
October,	-	-										
November,	-	100	13									
December,	-	320										

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT DANVILLE.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	4	11	2									
February,	-	8	2									
March, -	-	-	1									
April, -	-	2	2									
May, -	-	-	-									
June, -	-	-	2									
July, -	-	-	-									
August, -	-	-	-									
September,	-	-	-									
October,	-	-	-									
November,	-	-	-									
December,	-	-	-									
	21	20	27									

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT GREENSBURG.

Bills Discounted.													
1838.		100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
	January,	187	27	31	3	1	1	2					
	February,	178	29	35	2	1	2	1					
	March, -	166	40	30	1	1	2	2					
	April, -	168	38	28	1	1	4	2					
	May, -	170	37	28	2	1	3	1					
	June, -	177	36	31	2	2							
	July, -	176	31	31	2	2							
	August, -	171	37	31	3	2							
	September,	180	37	32	3	2							
	October,	180	34	34	2	1							
	November,	-	-	-	-	-	-	-	-	-	-	-	-
	December,	-	-	-	-	-	-	-	-	-	-	-	-

BANK OF KENTUCKY—

AT GREENSBURG.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	-	10	17									
February,	-	5	16									
March,	-	13	2									
April,	-	5	7									
May,	-	5	8									
June,	-	5	11									
July,	-	3	11									
August,	-	2	12									
September,	-	2	13									
October,	-	2	14									
November,	-	-										
December,	-	-										

[App. to
September,
October,
November,
December,

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT BOWLINGGREEN.

1838.	Bills Discounted.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000	
January,	134	41	43	4	}	Includes bills discounted and bills of exchange.							
February,	132	37	44	5									
March,	132	37	41	6									
April,	134	41	37	8									
May,	131	46	36	8	}	Includes bills discounted and bills of exchange.							
June,	128	46	37	9									
July,	144	39	14	7									
August,	154	40	38	7									
September,	170	36	39	6	}	Includes bills discounted and bills of exchange. 1							
October,	171	47	33	7									
November,													
December,													

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT BOWLINGGREEN.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40 000 to 45,000	45,000 to 50,000
January,	-	-	-	-	-	-	-	-	-	-	-	-
February,	-	-	-	-	-	-	-	-	-	-	-	-
March, -	-	-	-	-	-	-	-	-	-	-	-	-
April, -	-	-	-	-	-	-	-	-	-	-	-	-
May, -	-	-	-	-	-	-	-	-	-	-	-	-
June, -	-	-	-	-	-	-	-	-	-	-	-	-
July, -	-	-	-	-	-	-	-	-	-	-	-	-
August, -	-	-	-	-	-	-	-	-	-	-	-	-
September,	-	-	-	-	-	-	-	-	-	-	-	-
October,	-	-	-	-	-	-	-	-	-	-	-	-
November,	-	-	-	-	-	-	-	-	-	-	-	-
December,	-	-	-	-	-	-	-	-	-	-	-	-

BANK OF KENTUCKY—

AT HOPKINSVILLE.

1838.	Bills Discounted.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,												
February,												
March,												
April,												
May,												
June,												
July,												
August,												
September,												
October,												
November,												
December,												
	286	57	64	6								
	215	64	66	5								

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT HOPKINSVILLE.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	-	-	-	-	-	-	-	-	-	-	-	-
February,	-	-	-	-	-	-	-	-	-	-	-	-
March, -	-	-	-	-	-	-	-	-	-	-	-	-
April, -	-	-	-	-	-	-	-	-	-	-	-	-
May, -	-	-	-	-	-	-	-	-	-	-	-	-
June, -	-	-	-	-	-	-	-	-	-	-	-	-
July, -	-	-	-	-	-	-	-	-	-	-	-	-
August, -	-	-	-	-	-	-	-	-	-	-	-	-
September,	-	-	-	-	-	-	-	-	-	-	-	-
October,	-	-	-	-	-	-	-	-	-	-	-	-
November,	-	-	-	-	-	-	-	-	-	-	-	-
December,	-	-	-	-	-	-	-	-	-	-	-	-

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LEXINGTON.

Bills Discounted.

1838.	Bills Discounted.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	249	141	187	24	10	1	2	1	1	1	1	1
February,	259	150	156	25	9	1	1	1	1	1	1	1
March,	262	136	163	26	4	1	1	1	1	1	1	1
April,	269	131	151	28	6	1	1	1	1	1	1	1
May,	265	140	139	26	6	1	1	1	1	1	1	1
June,	280	154	152	28	6	1	1	1	1	1	1	1
July,	296	164	169	29	5	1	1	1	1	1	1	1
August,	293	167	174	28	5	1	1	1	1	1	1	1
September,	270	161	168	27	6	1	1	1	1	1	1	1
October,	264	143	170	24	7	1	1	1	1	1	1	1
November,	257	141	153	22	5	1	1	1	1	1	1	1
December,												

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LEXINGTON.

Bills of Exchange.												
1838.	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
										(above 50,000)	50,000	--(1.)
January,	-	39	78	6	-	-	1	-	-	-	-	-
February,	-	22	59	5	-	-	1	-	-	-	-	-
March,	-	20	40	4	-	-	1	-	-	-	-	-
April,	-	22	30	6	-	-	1	-	-	-	-	-
May,	-	24	31	5	1	-	1	-	-	-	-	-
June,	-	35	49	4	1	-	1	-	-	-	-	-
July,	-	35	75	11	3	-	1	-	-	-	-	-
August,	-	46	110	12	1	-	2	-	-	-	-	-
September,	-	61	145	23	3	1	3	-	-	-	-	-
October,	-	60	155	24	4	2	3	-	-	-	-	-
November,	-	58	159	26	1	1	4	1	-	-	-	-
December,	-											

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LOUISVILLE.

1838.	Bills Discounted.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	88	61	70	21	6	1	1	1	1	1	1	
February,	88	57	78	10	5	1	1	1	1	1	1	
March,	78	67	77	17	8	1	1	1	1	1	1	
April,	87	69	79	24	5	2	1	1	1	1	1	
May,	85	66	88	11	6	1	1	1	1	1	1	
June,	90	72	102	19	6	1	1	1	1	1	1	
July,	70	71	76	17	6	1	1	1	1	1	1	
August,	-	167	104	17	5	1	1	1	2	1	1	
September,	-	59	88	25	3	1	1	1	2	1	1	
October,	-	102	96	16	4	2	1	1	2	1	1	
November,	-	100	94	17	2	3	1	1	1	1	1	
December,	-	62	94	17	2	3	1	1	1	1	1	

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LOUISVILLE.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	-	11	33	12	1	-	-	-	1	-	-	-
February,	-	19	24	4	-	-	-	-	1	-	-	-
March,	-	25	28	5	-	-	-	-	1	-	-	-
April,	-	38	41	3	-	-	-	-	1	-	-	-
May,	-	35	65	5	1	-	-	-	-	1	-	-
June,	-	37	59	7	-	-	-	-	-	-	-	-
July,	-	30	65	6	-	-	1	-	1	-	-	-
August,	-	-	83	8	2	1	-	-	2	-	-	-
September,	-	-	78	10	2	-	-	-	1	-	-	-
October,	-	62	45	13	2	-	-	1	-	-	-	-
November,	-	55	35	12	2	1	-	-	-	-	-	-
December,	-	58	43	12	2	-	-	-	1	-	-	-

[App. to S. J.]

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[App. to S. J.]

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT COVINGTON.

1838.	Bills Discounted.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000	
January,	-	154	37	53	3	4	1						
February,	-	153	39	52	3	3	1						
March,	-	-	-	-	-	-	-						
April,	-	-	-	-	-	-	-						
May,	-	144	47	59	6	2	1		1				
June,	-	147	47	61	3	2	-		1				
July,	-	163	43	57	5	2	-	1	1				
August,	-	162	42	56	5	2	-	1	1				
September,	-	154	56	72	6	2	-	1	1				
October,	-	184	49	64	5	2	-	1	1				
November,	-	163	52	80	4	1	-	1	1				
December,	-	160	51	77	6	1	-	1	1				

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT COVINGTON.

Bills of Exchange.													
1838.		100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
	January,	16	24	9	1								
	February,	16	21	7	1								
	March,	-	-	-	-								
	April,	-	-	-	-								
	May,	14	12	8	1								
	June,	19	13	11	1								
	July,	23	15	7									
	August,	22	12	12									
	September,	23	10	24									
	October,	28	22	21	1								
	November,	27	22	37	2								
	December,	26	20	46	3	1							

CLASSIFICATION OF DEETS—Continued.

NORTHERN BANK OF KENTUCKY—

AT PARIS.

Bills Discounted.

1838.	Bills Discounted.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000	
January,	119	77	80	6	1								
February,	162	107	86	2	1								
March, -	182	114	83	2	1								
April, -	196	116	80	2	1								
May, -	232	129	73	2	1								
June, -	247	114	62	2	1								
July, -	265	127	75	2	1								
August, -	270	145	82	2	1								
September,	245	130	79	2	1								
October,	190	84	70	2	1								
November,	181	67	61	1									
December,													

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT PARIS.

1838.	Bills of Exchange.												
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000	
January,	8	20	21	2	1	1	1	1					
February,	5	11	10	1	1	1	1	1					
March,	5	6	7	1	1	1	1	1					
April,	3	6	4	1	1	1	1	1					
May,	3	6	4	1	1	1	1	1					
June,	3	6	4	1	1	1	1	1					
July,	4	6	7	1	1	1	1	1					
August,	8	11	13										
September,	20	29	29										
October,	21	42	53	2	3								
November,	20	44	55	5	3								
December,	15	38	52	5	3								

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LEXINGTON.

Bills Discounted.

1838.

	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	76	40	38	1								
February,	-	-	-	-	1							
March,	-	-	-	-	1							
April,	-	-	-	-	28							
May,	-	-	-	-	28							
June,	-	-	-	-	28							
July,	-	-	-	-	32							
August,	-	-	-	-	37							
September,	-	-	-	-	42							
October,	-	-	-	-	40							
November,	-	-	-	-	36							
December,	-	-	-	-	37							

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT RICHMOND.

1838.	Bills of Exchange.											
	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	4	9										
February,	3	2										
March,	1	2										
April,												
May,												
June,												
July,	1	1	3									
August,	2	3	9									
September,	3	9	15									
October,	9	19	30									
November,	11	22	35									
December,	10	22	36									

CLASSIFICATION OF DEBTS—Continued.

LOUISVILLE SAVINGS INSTITUTION.

AT LOUISVILLE.

Bills Discounted.

1838.

	100 to 500	500 to 1,000	1,000 to 5,000	5,000 to 10,000	10,000 to 15,000	15,000 to 20,000	20,000 to 25,000	25,000 to 30,000	30,000 to 35,000	35,000 to 40,000	40,000 to 45,000	45,000 to 50,000
January,	55	316	34	12	3	4	1	1	1	1	1	1
February,	-	-	-	-	-	-	-	-	-	-	-	-
March,	-	-	-	-	-	-	-	-	-	-	-	-
April,	-	-	-	-	-	-	-	-	-	-	-	-
May,	-	-	-	-	-	-	-	-	-	-	-	-
June,	-	-	-	-	-	-	-	-	-	-	-	-
July,	-	-	-	-	-	-	-	-	-	-	-	-
August,	-	-	-	-	-	-	-	-	-	-	-	-
September,	-	-	-	-	-	-	-	-	-	-	-	-
October,	-	-	-	-	-	-	-	-	-	-	-	-
November,	-	-	-	-	-	-	-	-	-	-	-	-
December,	-	-	-	-	-	-	-	-	-	-	-	-

CLASSIFICATION OF DEBTS—Continued.

BANK OF LOUISVILLE.

Bills Discounted.

1838.	Bills Discounted.													
	100 to 500	500 to 1,000	1,000 to 2,000	2,000 to 3,000	3,000 to 4,000	4,000 to 5,000	5,000 to 6,000	6,000 to 7,000	7,000 to 8,000	8,000 to 9,000	9,000 to 10,000	10,000 to 12,000	12,000 and upwards.	
January,	127	87	60	25	29	20	8	6	6	5	5	8	10	
February,	115	97	73	30	25	18	6	7	5	4	4	7	12	
March,	126	83	70	35	21	19	7	5	4	7	5	9	16	
April,	127	81	89	34	22	10	4	5	4	2	12	6	9	
May,	142	91	91	33	25	26	9	7	6	4	3	15	5	
June,	152	84	92	42	23	26	6	7	7	6	5	9	15	
July,	142	85	78	41	24	26	3	7	8	6	4	11	14	
August,	131	91	78	35	26	25	7	6	9	4	5	10	15	
September,	129	102	83	36	25	21	7	7	7	5	5	11	14	
October,	132	106	91	28	29	19	7	8	6	6	10	8	13	
November,	141	88	82	34	28	18	10	8	6	7	9	9	11	
December,	147	114	79	42	37	14	9	10	3	11	5	3	16	

BANK OF LOUISVILLE.

Bills of Exchange.

	1833.	Bills of Exchange.											12,000 and upwards.
		100 to 500	500 to 1,000	1,000 to 2,000	2,000 to 3,000	3,000 to 4,000	4,000 to 5,000	5,000 to 6,000	6,000 to 7,000	7,000 to 8,000	8,000 to 9,000	9,000 to 10,000	10,000 to 12,000
January,	-	6	6	6	6	4	2	2	1	1	1	2	2
February,	-	7	5	7	4	3	1	2	2	2	2	1	2
March,	-	18	15	10	3	1	1	1	.	.	.	.	2
April,	-	21	25	20	5	1	1	1	.	.	.	.	2
May,	-	27	30	25	13	3	1	1	.	.	.	.	2
June,	-	30	33	15	12	4	1	1	.	.	.	.	2
July,	-	27	39	17	16	7	3	1	1	.	.	.	2
August,	-	30	40	19	15	8	2	1	1	.	.	.	2
September,	-	32	45	20	13	7	1	1	1	.	.	.	2
October,	-	37	40	25	15	8	1	1	1	.	.	.	2
November,	-	43	35	32	16	8	2	1	1	1	.	.	3
December,	-	47	30	35	18	9	4	1	2	2	.	.	5

QUESTIONS FOR THE BANK OF KENTUCKY.

1st. Has the branches of the Bank of Kentucky complied with the second and third sections of the act, approved the 16th of February, 1838, entitled an act dispensing with quarterly, and substituting monthly, statements, and providing for monthly balance sheets to be lodged with the Secretary of State; and has the Bank of Kentucky complied with said sections?

2d. Will the reports of the Bank of Kentucky, to the Secretary of State, exhibit the true condition of said Bank, and branches, at the close of each month, from the 1st of January, 1838, to the 1st of January, 1839; and if they will not, then exhibit such a statement in connection with your answer to this question?

3d. Has the business of the Bank of Kentucky been transacted on good and safe securities?

4th. What amount of bad debts have you made since your Bank went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

5th. What amount of debts due your Bank are considered doubtful?

6th. Has the deferred debts in the Bank of Kentucky been reduced in accordance with the terms on which they were deferred?

7th. Has that part of the capital employed in exchange, yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

8th. Is there greater punctuality in paying bills of exchange, than in paying notes discounted?

9th. Has the Bank, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest.

10th. Has the Bank purchased bills of exchange and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the Bank, at maturity?

11th. Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days.

12th. Has the Bank discounted notes, or bills of exchange, with an understanding that the amount was to be taken in notes of less value than the notes of your Bank?

13th. Why does your Bank charge one half of one per cent. exchange between different places in your own State?

14th. Why has your Bank charged so high a rate of exchange on New Orleans, and other places in the South?

15th. Has your Bank extended accommodations to the citizens of your county and city, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

16th. Can you state and exhibit the aggregate amount loaned to citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

17th. Has your Bank neglected to fill any vacancy in the Directory of the Bank or branches, and, if so, say how long the vacancy was suffered to exist, and why?

18th. Has your Bank regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

19th. Has your suspended debt been promptly and carefully attended to by your officers?

BANK OF KENTUCKY, }
Louisville, December 21, 1838. }

GENTLEMEN:

We beg leave to present you with the following answers to the several questions propounded to the Bank of Kentucky, in the order in which they are presented.

ANSWER TO QUESTION 1ST.

The branches of the Bank of Kentucky have complied with the law alluded to, by furnishing monthly statements, and providing monthly balance sheets. These have, by the branches, been sent to the parent Bank, where they are embodied in the monthly exhibit sent to the Secretary of State. The Bank of Kentucky has complied with said law, as understood by us.

ANSWER TO QUESTION 2D.

The reports of the Bank of Kentucky, to the Secretary of State, exhibit the true condition of the parent Bank, at the close of each month, and of the branches to the last discount day of each month, to which period they are made, and not to the last day of the month. The monthly statements of the Bank of Kentucky, to 1st December, inclusive, have been forwarded to the Secretary of State.

ANSWER TO QUESTION 3D.

We believe the business of the Bank of Kentucky to have been transacted on good and safe securities that being always the first object of the Directory. The circumstances of borrowers may, however, change, and, of course, with them the security of the Bank.

ANSWER TO QUESTION 4TH.

We are not aware that in our business we have made any debts that may be considered bad, and have, of course, carried none to account of *Profit and Loss*. We have some debts, in suit, which may result in a loss, but to what extent we cannot now determine.

We have carried the sum of \$905 92 to account of Profit and Loss, on a draft remitted for collection from Pittsburg. The collection clerk mistook the words "two months," for "four months." It was not paid by the party on whom it was drawn, and for the error of this Bank, the Bank at Pittsburg claimed the amount. In justification of the clerk, we will say that it would have required very close scrutiny to distinguish.

ANSWER TO QUESTION 5TH.

This question is, in effect, met by answer 4. We have rarely had great difficulty in securing our suspended debt, by giving time to the parties, and in the active debt due the Bank, where there is any doubt, we require additional security, which is always promptly given.

ANSWER TO QUESTION 6TH.

The deferred debts due the Bank have generally been reduced in accordance with the terms on which they were deferred. We have, however, in most instances, taken from the parties bills of exchange, well secured, in part payment of their debts, drawn on such points as the Bank wished to realize funds.

ANSWER TO QUESTION 7TH.

That portion of the capital of the Bank employed in exchange, has yielded a larger profit than an equal portion employed in direct loans, by about three fourths of one per cent. Bills of Exchange are created by the legitimate business of the country, and the holders resort to the Banks, as affording the cheapest means of collection.

ANSWER TO QUESTION 8TH.

There is no greater punctuality in the payment of bills of exchange than of discounted notes, with the exception that a Bank can rely upon the former, to an extent which it cannot upon the latter. The reason is that, payment of the former being thrown at a distant point, any aid, if given, is given by Banks other than that to which the bills belong, or at which they originate, while in the payment of notes, by our own community custom, has seemed to require whatever indulgence the Bank can give, either in the partial renewal of old paper, in the discount of new business paper, or of bills of exchange, which, while the Bank is not curtailing her business, and does not require her means, is legitimate Banking, provided the funds are distributed equally among the applicants.

ANSWER TO QUESTION 9TH.

This Bank has never refused money on regular loan, and afterwards given it on bills of exchange, for the sake of exchange over and above interest. Bills of exchange, on particular points, are often desirable to a Bank, either for the purpose of settling balances, or of creating Eastern Funds, always required by our Banks, and it may have happened, as a necessary result, that

we have, in such cases, refused regular discounts, and purchased such bills, or it may have happened that we have refused regular discounts to those whose accounts we considered sufficiently high already, and afterwards taken from the same parties bills of exchange, payable at desirable points. It also happened that bills of exchange, which the Board did not think bore on their face a bona fide transaction, have been rejected, and the parties afterwards accommodated on direct loan. The object of the Bank was to discard all *kiting*.

ANSWER TO QUESTION 10TH.

This Bank never has.

ANSWER TO QUESTION 11TH.

This Bank never has.

ANSWER TO QUESTION 12TH.

This Bank never has. Applications have frequently been made for discounts by parties, who stated that paper other than our own notes, would suit them. This Board has uniformly acted on the paper offered, without reference to the sort of funds wanted, the proceeds of the notes or bills passing on the books of the Bank to the credit of the parties, and subject to their unconditional check.

ANSWER TO QUESTION 13TH.

We have made this charge to cover the trouble, risk, and expense of transmission. It has not been done with a view to profit, but to accommodate the internal trade of the State. It is not desirable to the Bank to take such bills, serving only, as it does, to increase balances due from the Branches.

ANSWER TO QUESTION 14TH.

The Bank has been regulated in her charges of discount on the South by the difference existing, at various times, between the value of our respective issues. Upon New Orleans, we have gradually lowered the rates of discount as the rates of exchange on the North and West, from that point, decreased, or as we had reasonable ground of belief that the Banks of that city would resume specie payments at an early period.

ANSWER TO QUESTION 15TH.

In the distribution of the means of the Bank, when the solvency of the parties was known, we have shown no preferences. When applications for loans are made by parties who live in distant parts of the State, who do, or should, make their loans at other Banks, or branches, in the State, we give preference to those living in our own Banking district, or to those who, by reason of distance from any other Bank, necessarily apply to us.

ANSWER TO QUESTION 16TH.

We keep no account of the residence of borrowers, nor could we furnish the statement you ask for, except with a great deal of labor. Of the debtors to the Bank on 1st December, there was due, as follows: From the citizens of Louisville, \$1,595,194 21. Of the county of Jefferson, \$94,619. Nelson, \$44,746. Henry, \$12,878. Oldham, \$9,540. Bullitt, \$12,888. Woodford, \$19,443. Scott, \$5,226. Hardin, \$10,649. Fayette, \$2,825. McCracken, \$15,934. Daviess, \$420. Hart, \$730. Green, \$1,183. Franklin, \$7,464. Trimble, \$2,190. Gallatin, \$1,370. Adair, \$1,500. Henderson, \$6,715. Washington, \$12,776. Spencer, \$10,358. Mercer, \$4,568. Madison, \$1,500. Boone, \$1,536. Livingston, \$1,852. Shelby, \$35,319. Breckinridge, \$12,450. Meade, \$6,368. Warren, \$520. Marion, \$1,200. Out of the State, \$129,314,

ANSWER TO QUESTION 17TH.

We have omitted to fill a vacancy of one Director in each of the branches of Maysville and of Greensburg, during a part of the present year. This has been done for the want of qualified stockholders.

ANSWER TO QUESTION 18TH.

This requisite has been regularly complied with.

ANSWER TO QUESTION 19TH.

This has been as carefully attended to, as lawyers generally attend to their business.

Very respectfully,

W. H. POPE, *Pres't*,
DAVID HERAN,
GEORGE KEATS,
WM. FELLOWES.

In answer to question 20th, we give you, herewith, tabular statements, giving you all the information sought for. These exclude four houses, on extended time. We, also, have prepared tables, attached hereto, exhibiting the balances, at the close of each month, due to the Bank of Kentucky from each of the branches, as well as the balances, at the close of each month, due from the Bank of Kentucky to each of the branches.

Very respectfully,

W. H. POPE, *Pres't*.
DAVID HERAN,
WM. FELLOWES,
GEORGE KEATS.

To Messrs. J. GUTHRIE, and
D. TRIMBLE,

Committee.

Answer to the Question—What aggregate amount has the President and Directors owed as Drawers and Discounters of Bills of Exchange, at the close of each month?

			By President and Directors.	Firms connec- ted with Pres't and Directors.	Aggregate.
February 28,	-	-	23,894 25	27,018 97	50,913 22
March 31,	-	-	8,720 61	52,244 16	60,964 77
April 30,	-	-	16,048 02	49,362 41	65,410 43
May 31,	-	-	17,699 14	39,831 33	57,530 47
June 30,	-	-	17,734 50	63,888 80	81,623 30
July 31,	-	-	18,623 14	65,754 20	84,377 34
August 31,	-	-	10,100 60	56,706 76	66,807 36
September 30,	-	-	16,785 27	46,347 59	63,132 86
October 31,	-	-	9,706 68	49,815 89	59,522 57
November 30,	-	-	10,982 30	58,357 08	59,339 38

Answer to the Question—What aggregate amount has an equal number of other largest customers of the Bank at the close of each month, and what the amount of fifty others?

			Eleven others not Directors o connected with them.	Fifty others.	Aggregate.
February 28,	-	-	94,282 06	163,170 30	257,452 36
March 31,	-	-	114,101 23	152,613 28	266,714 51
April 30,	-	-	105,307 36	128,271 79	233,579 15
May 31,	-	-	107,540 60	130,615 26	238,155 86
June 30,	-	-	118,651 20	159,674 20	278,325 40
July 31,	-	-	121,315 16	162,763 21	284,078 37
August 31,	-	-	136,309 69	165,846 30	302,155 99
September 30,	-	-	137,577 99	173,626 34	311,204 33
October 31,	-	-	145,945 71	249,614 20	395,559 91
November 30,	-	-	180,339 58	216,316 20	396,655 78

Answer to Question—What has been the aggregate amount of discounts to the President and Directors of the Bank, at the close of each month?

	President and Directors.	Firms connected with Pres't and Directors.
January, - - - - -	62,700 00	144,090 00
February, - - - - -	62,399 00	145,967 00
March, - - - - -	61,987 00	147,692 00
April, - - - - -	59,604 00	157,871 00
May, - - - - -	58,876 00	123,876 00
June, - - - - -	54,834 00	119,804 00
July, - - - - -	58,171 00	118,223 00
August, - - - - -	60,818 00	115,470 00
September, - - - - -	54,468 00	117,293 00
October, - - - - -	57,837 00	118,050 00
November - - - - -	49,098 00	-
December, - - - - -	-	-

Answer to Question—What has been the amount owing by an equal number of the other highest customers of the Bank of the discount line, at the close of each month?

January, - - - - -	256,960 00	July, - - - - -	240,920 00
February, - - - - -	248,929 00	August, - - - - -	249,399 00
March, - - - - -	245,853 00	September, - - - - -	229,861 00
April, - - - - -	268,291 00	October, - - - - -	254,709 00
May, - - - - -	283,846 00	November, - - - - -	260,705 00
June, - - - - -	255,534 00	December, - - - - -	-

Answer to Question—What aggregate amount was owing by fifty of the largest customers of the Bank on discounts, at the close of each month?

January, - - - - -	434,333 00	July, - - - - -	507,005 00
February, - - - - -	537,273 00	August, - - - - -	511,208 00
March, - - - - -	509,264 00	September, - - - - -	522,722 00
April, - - - - -	503,157 00	October, - - - - -	501,326 00
May, - - - - -	497,736 00	November, - - - - -	465,832 00
June, - - - - -	497,637 00	December, - - - - -	497,697 00

Answer to the Question—What is the total number of debtors to the Bank on the discount line? and class them from 100 to 500, from 500 to 1000, from 1,000 to 5,000, from 5,000 to 10,000 and so on, rising 5,000 each time?

Number Debtors.

165	from	\$ 100	to	\$ 500
129	from	500	to	1,000
257	from	1,000	to	5,000
60	from	5,000	to	10,000
20	from	10,000	to	15,000
14	from	15,000	to	20,000
5	from	20,000	to	25,000
2	from	25,000	to	30,000
0	from	35,000	to	40,000
1	from	40,000	to	45,000
0	from	45,000	to	50,000
3	from	50,000	and	upwards.

Whole number of debtors 657.

TABLE showing the aggregate amount due to, and from, the Bank of Kentucky and Branches, on the first day of each month, from the 1st January, 1838, to 1st December, 1838, as appears by the books of the principal Bank.

Amount due to the Bank of Kentucky and Branches.	Dolls. Cts.	Amount due from the Bank of Kentucky and Branches.	Dolls. Cts.
January 31, 1838, -	1,128,474 27	January 31, 1838, -	711,207 72
		Bal. in fav. B'k Ky, -	417,266 55
	1,128,474 27		1,128,474 27
February 28, 1838, -	1,252,989 10	February 28, 1838, -	686,029 25
		Balance in favor of Bank of Kentucky,	566,959 85
	1,252,989 10		1,252,989 10
March 31, 1838, -	1,075,712 46	March 31, 1838, -	797,919 72
		Balance in favor of Bank of Kentucky,	277,792 74
	1,075,712 46		1,075,712 46

TABLE, &c.—Continued.

Amount due to the Bank of Kentucky and Branches.	Dolls. Cts.	Amount due from the Bank of Kentucky and Branches.	Dolls. Cts.
April 30, 1838, -	927,598 69	April 30, 1838, - Balance in favor of Bank of Kentucky,	693,997 93 233,600 76
	927,59 69		927,598 69
May 31, 1838, -	1,087,855 23	May 31, 1838, - Balance in favor of Bank of Kentucky,	617,011 56 470,843 67
	1,087,855 23		1,087,855 23
June 30, 1838, -	1,078,084 94	June 30, 1838, - Balance in favor of Bank of Kentucky,	436,930 26 641,154 68
	1,078,084 94		1,078,084 94
July 31, 1838, -	1,048,572 07	July 31, 1838, - Balance in favor of Bank of Kentucky,	340,347 19 708,224 88
	1,048,572 07		1,048,572 07
August 31, 1838, -	1,009,839 81	August 31, 1838, - Balance in favor of Bank of Kentucky,	334,954 96 674,884 85
	1,009,839 81		1,009,839 81
September 30, 1838, -	773,822 75	September 30, 1838, Balance in favor of Bank of Kentucky,	357,372 63 416,450 12
	773,822 75		773,822 75

TABLE, &c.—Continued.

Amount due to the Bank of Kentucky and Branches.	Dolls. Cts.	Amount due from the Bank of Kentucky and Branches.	Dolls. Cts.
October 31, 1838, -	855,468 77	October 31, 1838, - Balance in favor of Bank of Kentucky,	605,977 21 249,491 56
	855,468 77		855,468 77
November 30, 1838,	656,021 37	November 30, 1838, Balance in favor of Bank of Kentucky,	550,656 15 105,365 22
	656,021 37		656,021 37

STATEMENT showing the Balances due by the Branches of the Bank of Kentucky to the Principal Bank, at Louisville, and by the Principal Bank to the Branches, on the last day of each month, from 1st January, 1838, to the 1st of December, 1838, as appear by the books of the Principal Bank.

Balcs due by Branch- es to Principal Bank.	Dolls. Cts.	Balances due by Prin- cipal Bank to Branches.	Dolls. Cts.
January 31, 1838. Due by— Frankfort Branch, 122,837 69 Lexington do. - 88,280 51 Maysville do. - 60,728 75 Greensburg do. - 88,663 32 Bowlinggreen do. 37,359 61 Danville do. - 34,801 28		January 31, 1838. Due to— Hopkinsville Br. - 3,631 02 Balance in favor of Principal Bank, - 429,040 14 - - - - - - - - - -	
	432,671 16	- - - - -	432,671 16

STATEMENT SHOWING THE BALANCES, &c.—Continued.

Bal'cs due by Branches to Principal Bank.	Dolls. Cts.	Balances due by Principal Bank to Branches.	Dolls. Cts.
February 28, 1838. Due by—		February 28, 1838. Due to—	
Frankfort Branch,	87,999 78	Hopkinsville Br. -	13,205 86
Lexington do -	81,203 26	Balance in favor of	
Maysville do -	59,249 70	Principal Bank, -	349,778 24
Greensburg do -	89,504 28	-	
Bowlinggreen do -	24,573 18	-	
Danville do -	20,453 90	-	
	362,984 10	- - - - -	362,984 10
March 31, 1838. Due by—		March 31, 1838. Due to—	
Frankfort Franch,	149,486 61	Hopkinsville Br. -	8,904 75
Maysville do -	43,421 06	Lexington Br. -	43,769 10
Greensburg do -	90,284 06	Danville Br. -	24,303 22
Bowlinggreen do -	41,979 10	Balance in favor of	
	325,170 83	Principal Bank, -	248,193 76
			325,170 83
April 30, 1838. Due by—		April 30, 1838. Due to—	
Frankfort Branch,	159,035 87	Hopkinsville Br. -	8,398 57
Maysville do -	32,330 72	Lexington Br. -	66,299 60
Greensburg do -	62,329 46	Danville Br. -	31,543 69
Bowlinggreen do -	39,997 28	Balance in favor of	
	293,693 33	Principal Bank, -	187,451 47
			293,693 33

STATEMENT SHOWING THE BALANCES, &c.—Continued.

Balances due by Branches to Princi- pal Bank.	Dolls. Cts.	Balances due by Principal Bank to Branches.	Dolls. Cts.
May 31, 1838. Due by— Frankfort Branch, Maysville Branch, Greensburg Branch, Bowlinggreen do.	156,485 47 13,177 41 64,410 92 51,055 58 <hr/> 285,129 38	May 31, 1838. Due to— Hopkinsville Branch, Lexington Branch, Danville Branch, Balance in favor of Principal Bank,	19,372 23 71,418 26 13,259 05 181,079 84 <hr/> 285,129 38
June 30, 1838. Due by— Frankfort Branch, Maysville Branch, Greensburg Branch, Bowlinggreen do.	101,789 85 14,260 57 62,226 43 28,398 87 <hr/> 216,675 72	June 30, 1838. Due to— Hopkinsville Branch, Lexington Branch, Danville Branch, Balance in favor of Principal Bank,	16,559 92 46,514 54 27,121 12 126,480 14 <hr/> 216,675 72
July 31, 1838. Due by— Maysville Branch, Greensburg Branch, Frankfort Branch,	48,229 25 60,812 00 19,750 80 <hr/> 128,792 05	July 31, 1838. Due to— Hopkinsville Branch, Lexington Branch, Danville Branch, Bowlinggreen do. Balance in favor of Principal Bank,	3,732 53 39,644 40 28,162 12 190 58 57,062 42 <hr/> 128,792 05
August 31, 1838. Due by Maysville Branch, Greensburg Branch, Frankfort Branch,	55,327 66 60,799 97 15,503 61 <hr/> 131,631 24	August 31, 1838. Due to— Lexington Branch, Danville Branch, Bowlinggreen do. Hopkinsville Branch, Balance in favor of Principal Bank,	50,770 73 51,578 14 888 67 6,473 14 21,920 56 <hr/> 131,631 24

STATEMENT SHOWING THE BALANCES, &c.—Continued.

Balances due by Branches to Princi- pal Bank.	Dolls. Cts.	Balances due by Principal Bank to Branches.	Dolls. Cts.
September 30, 1838. Due by— Maysville Branch, Greensburg Branch, Bowlinggreen do. Frankfort Branch,	50,900 37 29,128 19 4,051 20 15,806 08	September 30, 1838. Due to— Lexington Branch, Danville Branch, Hopkinsville do. Balance in favor of Principal Bank,	11,846 22 69,481 51 12,795 71 5,762 40
	99,885 84		99,885 84
October 31, 1838. Due by— Maysville Branch, Greensburg Branch, Frankfort Branch, Lexington Branch, Bowlinggreen do.	35,306 27 24,514 66 97,682 88 29,395 15 6,217 21	October 31, 1838. Due to— Danville Branch, Hopkinsville do. Balance in favor of Principal Bank,	46,097 39 12,420 06 134,598 72
	193,116 17		193,116 17
November 30, 1838. Due by— Maysville Branch, Greensburg Branch, Frankfort Branch, Lexington Branch, Danville Branch,	39,582 93 18,911 50 108,058 01 52,003 96 4,950 82	November 30, 1838. Due to— Bowlinggreen Br. Hopkinsville do. Balance in favor of Principal Bank,	39,117 41 14,500 86 169,888 95
	223,507 22		223,507 22

FRANKFORT BRANCH BANK OF KENTUCKY.

BRANCH BANK OF KENTUCKY, }
Frankfort, Jan. 1, 1839. }

The following Answers are respectfully given to the interrogatories propounded to the officers of this Branch by the Joint Committee of the Senate and House of Representatives:

QUESTION 1.—Has the business of your Branch been transacted on good and safe sureties?

ANSWER.—We believe that the business of this Branch has been transacted on good and safe sureties.

QUESTION 2.—What amount of bad debt have you made since you went into operation, and what amount of bad debt has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—We know of no bad debts made at this Bank since we have commenced operation, and nothing has been charged to account of profit and loss, as a loss, during the year.

QUESTION 3.—What amount of debt due your Branch are considered doubtful?

ANSWER.—We know of no debt due this Branch that we consider doubtful.

QUESTION 4.—If you have any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER.—We have but a few debts at this office that could be considered as deferred debts, and with only one exception the terms upon which said debts were deferred have been complied with, and that one, in part.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—We have never refused a loan at this office upon a note that we know of, and then discounted a Bill of Exchange for the same parties, for the sake of Exchange: on the contrary, we know that we have granted loans upon notes, where both notes and Bills of Exchange were tendered by the same parties, when we suspected it was what we call "Race Horse Bills."

QUESTION 6.—Has your Branch purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—No such agreement or understanding were ever made at this office.

QUESTION 7.—Has your Branch discounted notes or Bills with an understanding, that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—*Never.*

QUESTION 8.—Has your Bank ever taken a greater rate of interest than one per cent. for ever sixty days?

ANSWER.—We have never intentionally, nor do we know of any case where it has occurred. We always take our discounts agreeable to Rowlett's table of interest.

QUESTION 9.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and Bills offered from such other counties were equally good?

ANSWER.—We have no recollection of the question being made at our Board, upon giving discounts to our own citizens in preference to those of the adjacent counties, when notes or bills offered were considered equally good. We have frequently refused discounts to individuals living more convenient to other Banks, because it has rarely occurred, that we have not had greater applications for discounts, at the weekly meetings of the Directors at this Bank than we could prudently accommodate, and we, therefore, have deemed it more prudent to confine our business to our own neighborhood, where we have a better opportunity of looking to the security of the loans.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and this aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—The following exhibits the aggregate amount due this office on the discount line, from the citizens of the following counties, viz:

To the citizens of Frankfort,	-	-	-	\$127,454 03
To the citizens of Franklin county,	-	-	-	114,678 82
To the citizens of Fayette county,	-	-	-	12,840 48
To the citizens of Scott county,	-	-	-	54,317 28
To the citizens of Woodford county,	-	-	-	62,682 29
To the citizens of Shelby county,	-	-	-	58,610 30
To the citizens of Anderson county,	-	-	-	10,984 00
To the citizens of Owen county,	-	-	-	14,297 52
To the citizens of Spencer county,	-	-	-	5,293 87
To the citizens of McCracken county,	-	-	-	150 00
To the citizens of Jefferson county,	-	-	-	6,100 00
To the citizens of Mason county,	-	-	-	1,400 00
To the citizens of Mercer county,	-	-	-	3,700 00
To the citizens of Boone county,	-	-	-	1,315 47
To the citizens of Henry county,	-	-	-	6,850 00
To the citizens of Hardin county,	-	-	-	100 00
To the citizens of Harrison county,	-	-	-	1,000 00
To the citizens of Gallatin county,	-	-	-	1,700 00
To the citizens of Nelson county,	-	-	-	400 00
To the citizens of Warren county,	-	-	-	173 33

Total notes under discount 31st December, 1838,	-	<u>484,047 39</u>
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QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—The cash account of the Cashier of this Bank, has been examined three times during the year, the cash counted, but not at regular intervals, in consequence of an oversight in not appointing committees for that purpose at the time specified; the bonds have been regularly submitted to the Board for their approval.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—The suspended debt due this office has had all proper attention by its officers.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER.—The President and Directors have paid the same calls required of them, as other debtors to the Bank.

A. S. PARKER,
LEANDER J. SHARP, } Committee.
EDM H. TAYLOR,

STATE OF KENTUCKY, *Franklin county, Sct:*

This day, personally, appeared before the subscriber, a Justice of the Peace, for the county aforesaid, A. S. Parker, L. J. Sharp, and Edmund H. Taylor, and severally made oath that the foregoing answers, to the several interrogatories preceding them, are, to the best of their knowledge and belief, correct and true.

Given under my hand this 9th day of January, 1839,

H. WINGATE, J. P.

LEXINGTON BRANCH BANK OF KENTUCKY.

Questions put to the Lexington branch of the Bank of Kentucky, on the 17th day of December, 1838, by the Joint Committee of the Senate and House of Representatives of the Commonwealth of Kentucky.

QUESTION 1. Has the business of your branch been transacted on good and safe securities?

ANSWER. The business of the branch has been transacted on good and safe securities, with the exception of the amount mentioned in the answer to question 3.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. No debt made at this branch since it went into operation, has been considered certainly lost, therefore none has been carried to the ac-

count of profit and loss, nor has any other sum been carried to the debit of that account, save the current expenses of the Bank.

QUESTION 3. What amount of debts due your branch is considered doubtful?

ANSWER. The amount of debts due to the branch, considered doubtful, is \$6,052 79, about one half of which will probably be lost.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER. There is but one deferred debt, and that has not reached maturity, its amount is only \$1,032.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER. In no instance has the branch refused to loan to an individual on a note, and purchased of the same individual a bill of exchange, for the sake of the exchange over and above the interest; but there have been instances where the Bank has refused to purchase bills of exchange, from the belief that such bills were what is commonly called "race horse bills," and loaned, to the same individuals, money on their notes.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER. There has been no such transaction at this branch.

QUESTION 7. Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. No note or bill has ever been discounted with such an understanding.

QUESTION 8. Has your branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER. This branch has always taken interest "in conformity with Rowlett's Tables of Discount and Interest."

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER. This branch has not.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to the citizens of your town and county, and the aggregate amount of loans to citizens of other counties to which you have made loans?

ANSWER. See table A, signed by the Cashier.

QUESTION 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

ANSWER. The President and Directors have regularly counted the cash, and examined the bonds of the officers, as required by the charter.

QUESTION 12. Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. The suspended debt, as reported, consists of notes and bills of exchange, in suit, which have, it is believed, received the faithful attention of the attorneys in whose hands they have been placed for collection. Notes passed maturity have been permitted, in some instances, to lie over longer than they should, but it is not known that the strength of any such note has been weakened by not having suit instituted thereon more promptly.

QUESTION 13. - Has your President and Directors paid the regular calls on their debts in the same way, and at the same rate, as required by other debtors?

ANSWER. They have.

QUESTION 14. You will answer the resolution of the Legislature of 1836-'7, (see acts of that session,) and so far as the answer to that resolution may contain the answers to the foregoing questions, you can refer to it in your reply to the within questions.

ANSWER. The resolution, of the Legislature, of 1836-'7 directs:

1. That the committee shall examine the condition of the Bank.
2. The amount of loans in the aggregate, and the proportion to the country, and cities, and towns.
3. The amount loaned to the Directors, and their liabilities on bills of exchange.
4. The several amounts the fifty highest debtors owe in the cities.

In reply to the first branch of this resolution, reference is made to statement marked B signed by the cashier; to the second, reference is made to table A, as the answer to question 10; to the third, that the amount loaned to the Directors, individually and in connection with their partners in business, is \$30,991 48, and that the amount of their liabilities on bills of exchange is \$16,513 91; and, as to the fourth branch of the resolution, the amount loaned to the fifty highest debtors, in the city of Lexington, is \$166,390 17, and that there are not fifty debtors in any other city.

R. S. TODD, *Pres't.*

WM. M. BRAND, } *Directors.*

WILL. H. RAMEY, }

WILL. S. WALLER, *Cashier.*

TABLE A,

Showing the amount loaned to the citizens of Lexington, and Fayette county, and the amount to citizens of other counties, by the Lexington branch Bank, December 1st, 1838.

To the city of Lexington,	\$209,909 60	Mercer,	\$ 3,488 71
County of Fayette,	69,773 31	Greenup,	3,949 25
Scott,	81,852 03	Mason,	3,550 00
Woodford,	42,239 03	Estill,	2,607 24
Bourbon,	30,463 85	Clay,	1,700 00
Jefferson,	24,401 50	Lincoln,	1,356 74
Jessamine,	22,481 46	Anderson,	1,370 79
Bath,	14,840 00	Pendleton,	850 00
Montgomery,	11,179 12	Barren,	700 00
Fleming,	5,175 00	Grant,	600 00
Franklin,	9,557 88	Boone,	500 00
Clarke,	9,540 70	Garrard,	450 00
Gallatin,	8,900 00	Wayne,	359 00
Madison,	7,530 14	Without the State,	7,486 47
Harrison,	5,745 94		
Owen,	5,150 00	Aggregate amount,	\$587,698 76

WILL. S. WALLER, *Cashier.*

LEXINGTON BRANCH BANK, *December 18, 1838.*

B.

State of the Lexington Branch Bank, December 1st, 1838.

		CR.
Bills discounted,	- - - - -	\$587,698 76
Bills of exchange,	- - - - -	499,692 26
Suspended debt,	- - - - -	16,029 87
Real Estate,	- - - - -	20,212 41
Expenses,	- - - - -	3,041 06
Due from other Banks,	- - - - -	98,515 17
Cash on hand, viz:—		
In notes of the principal Bank and branches,	\$17,580 00	
do. Northern Bank of Kentucky,	1,927 79	
do. Bank of the United States,	6,150 00	
do. Banks of Ohio, &c.	12,280 00	
do. City of Lexington,	633 27	
Gold,	- - - - -	28,922 13
Silver,	- - - - -	85,797 16
		153,290 35
		<u>\$1,378,479 88</u>

	DR.
Principal Bank for Stock, - - - -	\$650,000 00
do. account current, - - - -	57,514 95
Notes in circulation, - - - -	416,395 00
Premiums, - - - -	23,215 90
Discounts, - - - -	14,043 00
Dividends, - - - -	206 35
Due to other Banks, - - - -	37,349 28
do. individual depositors, - - - -	179,755 40
	<hr/>
	<u>\$1,378,479 88</u>

WILL. S. WALLER, *Cashier.*

LEXINGTON BRANCH BANK, *December 18th, 1838.*

MAYSVILLE BRANCH BANK OF KENTUCKY.

The questions put to the Branches of the Bank Kentucky by the Committees of the Senate and House of Representatives, are respectfully responded to by the Maysville Branch as follows, viz:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER—By the Board of Directors. The business of this Branch has been transacted on good and safe securities.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER—By the Board of Directors. The amount of bad debts is \$975, and the Cashier replies to the second branch of the inquiry—That no debt has been carried to account of profit and loss; the expenses of the Branch alone have been carried semi-annually to that account.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER—By the Board of Directors. Upon a review of the list of debts due this Branch, the Board of Directors consider that the ultimate payment of \$2,900 may be deemed doubtful.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER—By the Board of Directors. We have no deferred debts.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused, by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER—By the Board of Directors. In discounting notes and bills that have been offered to this Branch, its directors have always been controlled by what they conceived to be the interest of the Bank and its customers, but in no instance have they extracted bills of exchange for the purpose of exacting a higher rate of interest.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER—By the Board of Directors and Cashier. Never.

QUESTION 7.—Has your Board discounted notes and bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER—By the Board of Directors. Never.

QUESTION 8.—Has your Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER—By the Cashier. It has not.

QUESTION 9.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER—By the Board of Directors. In making loans, we have endeavored to disseminate our accommodations in proportion to the demands, paying due regard to the goodness of the paper, and the contiguity of the applicants to other Banks.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER—By the Board of Directors. We can.

QUESTION 11.—Has your Branch regularly counted the cash and examined the bonds of the officers as required by your charter? and if not, say why it was omitted?

ANSWER—By the Board of Directors. The cash has not been regularly counted, as required by the charter; it has been twice omitted through inadvertance. It was counted the end of the last quarter.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER—By the Board of Directors. It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER—By the Cashier. No specific calls have been made on the accommodation paper of the President and Directors. Their business paper has been always paid at maturity. No *pro rata* calls have ever yet been made on the accommodations due this Branch.

THE COMMONWEALTH OF KENTUCKY, } s. s.
Mason County,

A. M. January, Richard Henry Lee, and John M. Morton, made oath before me, a Justice of the Peace for said county, that the foregoing an-

swers, as made by the Board of Directors of the Maysville Branch of the Bank of Kentucky, are true to the best of their knowledge. And Robert Taylor made oath, that such of said answers as are made by the Cashier, are true, to the best of his Knowledge.

Given under my hand this 5th day of January, 1839.

L. COLLINS, J. P.

MAYSVILLE BRANCH BANK KY.

At a meeting of the Board of Directors, 19th Dec., 1838, it was—

Resolved, That the questions put by the Committees of the Senate and House of Representatives, to the Branches of the Bank of Kentucky, be referred to a committee of the President, Messrs. Lee and Morton, and to the Cashier.

And at a meeting of the Board on the first day of January, 1839, Mr. Lee, from the committee, reported—

That the foregoing responses of the Board and Cashier, made separately, to such of the questions as seemed to the Committee proper to be answered separately, by the Board, and such as required a separate answer of the Cashier.

Whereupon, the answers reported by the committee, was approved of by the Board.

[Extract from the minutes.]

ROB. TAYLOR, *Cashier*.

DANVILLE BRANCH BANK OF KENTUCKY.

BRANCH OF THE BANK OF KENTUCKY, }
Danville, January 1, 1839. }

Answers to Questions propounded to this Branch by the Joint Committee of the Senate and House of Representatives of the Commonwealth of Kentucky:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER.—It has.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debt has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—We have in this Branch no bad debts, consequently none such carried to the account of profit and loss.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER.—We regard none of the debts due this Branch at all doubtful.

QUESTION 4.—If you had any deferred debts have they been reduced in accordance with the terms upon which they were deferred?

ANSWER.—We have in this Branch only one deferred debt of \$160, which will no doubt be promptly met when due.

QUESTION 5.—Has your Branch when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

ANSWER.—This Branch, under the belief of its Directory that one of the main objects and purposes in its establishment, at its present location, was the extension of accommodation to the stock drovers, to enable them to carry their stock to market, has, from the latter part of August last to the present time, given preference to Bills of Exchange drawn by drovers, when the proceeds of such bills, so far as could be learned, were intended for the transport of stock to market—this furnishing us an additional means of obtaining Eastern Exchange, had, also, material weight in inducing this Branch to give preference to bills of the above description; and it would be probably disingenuous to say, that the prospect of greater gain had not some influence in determining this preference—but during the balance of the year, when this Branch was discounting regularly, no such preference has been ever given.

QUESTION 6. Has your Branch purchased Bills of Exchange and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—No.

QUESTION 7.—Has your Branch discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—No.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—No.

QUESTION 9.—Has your Branch extended accommodations to the citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—This Branch has not extended accommodation to the citizens of either our town or county, in preference to the citizens of other counties, when advised that notes and bills, offered for discount were each equally good; but it has been the studied effort of this Branch to equalize bank accommodation and facility among the the surrounding and neighboring counties, having due regard to the capital, commerce, and trade, of the counties, and the goodness of the notes and bills offered for discount.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each other counties, to which you have made loans?

ANSWER.

To the citizens of Danville,	-	\$15,853 00	Debts due up- on the discount line exclusive- ly.
To the citizens of Mercer county,	-	68,838 00	
To the citizens of Lincoln county,	-	42,367 00	
To the citizens of Garrard county,	-	23,884 00	
To the citizens of Washington county,	-	12,060 00	
To the citizens of Pulaski county,	-	5,840 00	
To the citizens of Rockcastle county,	-	2,372 00	
To the citizens of Knox county,	-	2,176 00	
To the citizens of Casey county,	-	1,210 00	
To the citizens of Wayne, county,	-	1,296 00	
To the citizens of Russell county,	-	510 00	

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER.—The cash of this Branch has been regularly counted at the close of every month. The bond given by its only clerk, is well secured.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—It has.

QUESTION 15.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER.—Calls have not been made on the President and Directory when their accommodation did not exceed \$1,000, but, in all cases, the discounts have been paid. Their average deposits have exceeded their aggregate debt.

J. BARBOUR, *President.*

T. MITCHEL, *Cashier.*

G. RICE, *Clerk.*

STATE OF KENTUCKY, *Mercer county, Sct.:*

This day, personally, appeared before me, M. S. Yarce, a Justice of the Peace in and for said county, James Barbour, Thomas Mitchell, Gabriel Rice, and, severally, made oath that the foregoing answers to the several interrogatories preceding them, are, to the best of their knowledge and belief, correct and true.

Given under my hand, in Danville, this 4th day of January, 1838.

M. S. YARCE, *J. P., M. C.*

HOPKINSVILLE BRANCH BANK OF KENTUCKY.

OFFICE BANK OF KENTUCKY, }
HOPKINSVILLE, 1st January, 1839. }

Answers to thirteen questions propounded to this branch Bank, in relation to her business, from the 1st January, 1838; to this day, to wit:

QUESTION 1. Has the business of your branch been transacted on good and safe security?

ANSWER. We think it has, in all cases.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We are of opinion we have made no bad debts since we went into operation. There has been no debt carried to the account of profit and loss, and the only sums carried to said account has been discounts and exchanges accruing on notes and bills, and other exchanges, since we commenced operations.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. Upon strict examination we are of opinion that no debt due us can be considered doubtful; in this matter, however, in the uncertainty of human events, we may be mistaken, but at present we have no good reason for thinking any doubtful.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. Strictly speaking, we have no deferred debt. There are some debts which were created in 1836, which have not been reduced as rapidly as our other debts, but they have been renewed, from time to time, on the promise of being paid when the debtors procured their funds from Mississippi and Alabama. We hope to be able to reduce these debts in a short time; they amount, in the aggregate, to some \$20,000, but due from several individuals, say some seven or eight.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused by way of discount, and given it on bills of exchange for the sake of the exchange over and above the interest.

ANSWER. It has been the policy of this branch, in the fall and winter, to use the greater proportion of her funds in the purchase of bills of exchange, founded on the produce of the country, this being the season of the year when paper of this description is offered; this being known, it possibly induces some to make application, by bill, that would otherwise prefer getting it on accommodation paper; but we know of only one or two instances, since first of January, 1838, where application has been made for loan, and it having been signified to the applicant that he could be more easily accom-

modated by selling a bill; in the cases referred to, the applicants were preparing to ship cotton, pork and beef, and the inducement to treat all alike, was greater than the profit accruing to the Bank. We will further remark that, when undoubted bills are offered, founded on real transactions, (and none other are bought here) we generally give such paper the preference.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER. We have in no instance purchased bills in the manner stated in the sixth question, being strenuously scrupulous to avoid the purchase of kites or race horse bills, and have refused all bills of that character, when believed to be such.

QUESTION 7. Has your branch discounted notes and bills with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. We have not.

QUESTION 8. Has your branch ever taken a greater rate of interest than one per cent for every sixty days?

ANSWER. Never.

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER. We have not in any instance; but in many instances in the period named, granted loans to citizens of other counties, in preference to Christian county and Hopkinsville. Where a Bank is located it is almost impossible to prevent the citizens of the town and county getting a much larger portion of loans, than citizens of other towns and counties, especially where the amount of capital is limited, as ours is; but have endeavored, as far as in our power, within the last year, to make a more equal distribution to the neighboring counties.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to citizens of your town and county and the aggregate loans to citizens of each of the other counties to which you have made loans?

ANSWER. There has been loaned to the town of Hopkinsville:

On accommodation or discounts of notes,	-	-	-	\$72,339 18
bills of exchange,	-	-	-	5,840 00
Christian county, on discount line,	-	-	-	71,546 94
bills of exchange,	-	-	-	8,550 00
Trigg county, on discount line,	-	-	-	36,424 83
bills of exchange,	-	-	-	3,450 00
Todd county, on discount line,	-	-	-	27,662 80
Caldwell county, on discount line,	-	-	-	21,480 00
bills of exchange,	-	-	-	10,500 00
Muhlenburg county, on discount line,	-	-	-	13,370 00
Logan county, on discount line,	-	-	-	12,504 00
Hopkins county, on discount line,	-	-	-	12,461 00
bills of exchange,	-	-	-	75 00
Livingston county, on discount line,	-	-	-	1,200 00
bills of exchange,	-	-	-	4,000 00

Graves county,	-	-	-	-	-	102 00
Montgomery county, Tennessee, discount line,	-	-	-	-	-	3,899 00
bills of exchange,	-	-	-	-	-	5,300 00

NOTE.—The foregoing may not be correct to one dollar, but is so near correct, that it will show the manner in which the funds have been distributed.

QUESTION 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

ANSWER. The cash has been regularly counted, as required by the charter, and the bonds of the officers examined.

QUESTION 12. Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. It has.

QUESTION 13. Has your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required by other debtors?

ANSWER. A portion of our members owe no debt to the Bank; of those indebted the most of them have paid calls as other debtors. There has been some departure, at times, with one or two members of the Board; and as it relates to one member, an entire failure to pay. He pledges himself to pay in future, alledging that he was not apprised of its being required, he being a new member.

REUBEN ROWLAND, <i>Cashier.</i>	
JOHN H. PHELPS, <i>Pres't.</i>	
STRO. J. HAWKINS,	} <i>Directors.</i>
THOS. MOORE,	
A. WEBBER,	
F. C. SHARP,	

STATE OF KENTUCKY, *Christian county, Sct:*

This day, Reuben Rowland, cashier, John H. Phelps, president, Stro. J. Hawkins, Thos. Moore, A. Webber, and F. C. Sharp, Directors of the Hopkinsville Branch Bank, came, personally, before the subscriber, a Justice of the Peace, for said county, and made oath that the answers, made to sundry interrogatories propounded by the Committee on Banks of the Senate and House of Representatives of the Legislature of Kentucky, now in session, and hereto annexed, are true to the best of their knowledge and belief.

Given under my hand this 2d day of January, 1839,

D. S. HAYS, J. P.

GREENSBURG BRANCH BANK OF KENTUCKY.

The undersigned, President, Directors, and Cashier, of the Greensburg Branch of the Bank of Kentucky, submit the annexed answers to the following Questions:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER.—They have.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—There are no debts known to be bad, consequently no item of that character carried to the account of profit and loss. The items constituting that account are the amount of discount, which, for the year 1838, is,

-	-	-	-	-	-	\$9,564 34
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Amount premiums on Exchange for the same time, - 2,803 58

Deducting the expenses for the same time, which is, - 2,273 39

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER.—Not exceeding four thousand dollars.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER.—There is but a small amount of deferred debt, which has been partially reduced, but not to the full extent.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused, by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—It has not. Bills of Exchange, however, to some extent, have often been preferred.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—It has not, in any instance; nor has such a proposition ever been made.

QUESTION 7.—Has your Branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—It has not.

QUESTION 8.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER—It has not.

QUESTION 9.—Has your Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER—Interest has been taken agreeably to Rowlett's calculator, which is only considered as one per cent. for sixty days.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—The following may be regarded as very nearly correct, to-wit: To citizens of Greensburg, \$36,626 43. Campbellsville, 2,750 00. Green county, \$30,676 20. Hart, \$16,536 05. Adair, \$15,952 50. Cumberland, \$4,240. Barren, \$12,446 89. Marion, \$10,100. Hardin, \$7,510. Casey, \$6,000. Russell, \$200. Pulaski, \$3,736. Wayne, \$600. Knox, \$2,013 11. Meade, 500. Franklin, \$470. Monroe, \$75. Muhlenburg, \$600. Jefferson, \$1,878 29. Daviess, \$2,476 13; and in the State of Illinois, \$700, and Missouri, \$190.

QUESTION 11.—Has your Branch regularly counted the cash and examined the bonds of the officers, as required by your charter? and if not, say why it was omitted?

ANSWER.—The bonds of the officers have been regularly examined, and the cash has been counted about three times within the year—twice since June last.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—That situated in the most remote counties has not been promptly attended to by the lawyers, as was desirable.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER.—There are only four of the Directors who are debtors, and they have paid the same rate of calls as required of other debtors.

JOHN BARRET, *President.*

J. BRUMMAL, } *Directors.*

R. L. MOORE. }

WM. D. BARRET, *Cash.*

GREENSBURG BRANCH BANK, }
January 1, 1839. }

THE STATE OF KENTUCKY, }
Green County, } *s. s.*

I, Wm. B. Allen, a Justice of the Peace in and for said county, and State aforesaid, hereby certify that the subscribers to the foregoing report, personally, appeared before me, and made oath that said report, or answers, to the interrogatories therein set forth, are just and true to the best of their knowledge and belief.

Given under my hand this 1st day of January, 1839.

WM. B. ALLEN, *J. P., G. C.*

BOWLINGGREEN BRANCH OF THE BANK OF KENTUCKY.

Answers of the Bowlinggreen Branch of the Bank of Kentucky to questions propounded by the Chairman of the Bank Committees of the Senate and House of Representatives :

QUESTION 1. Has the business of your branch been transacted on good and safe securities?

ANSWER. It has, in all cases.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. Upon strict examination of all the debts discounted at this branch, not the least doubt is entertained of the perfect security of each and all of them. There has never been the first cent charged to profit and loss, on account of bad or lost debts. The items embraced in that account are current expenses of the branch, and \$113 22, paid this year, (1838) for interest, at twelve per cent., under the fifth section of the charter.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. None.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER. There is but one debt of this character, which is regularly renewed, and ten per cent. calls paid.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER. It is usual to give bills of exchange the preference, as the business of the branch can be kept in a more healthy state by so doing ; but in no case has the branch refused to discount a note, and taken a bill of the same person, purely for the sake of the exchange.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER. No operation of this character has ever been made with this branch.

QUESTION 7. Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. No.

QUESTION 8. Has your branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER. It has not.

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER. When paper known to be good has been offered to this branch from the adjoining counties, it has always had an equal chance with that offered by the citizens of Bowlinggreen, or Warren county, and no preference has been given.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to the citizens of your town and county, and the aggregate amount of loans to citizens of other counties to which you have made loans?

ANSWER. The aggregate required is as follows :

Bowlinggreen,	-	-	-	-	-	-	\$76,313 20
do, and Warren county,	-	-	-	-	-	-	6,674 33
Warren county,	-	-	-	-	-	-	56,747 97
Barren,	-	-	-	-	-	-	3,164 00
Edmonson,	-	-	-	-	-	-	6,709 79
Hart,	-	-	-	-	-	-	2,548 00
Logan,	-	-	-	-	-	-	16,484 43
Christian,	-	-	-	-	-	-	1,372 00
Simpson,	-	-	-	-	-	-	5,945 92
Muhlenburg,	-	-	-	-	-	-	4,733 00
Allen,	-	-	-	-	-	-	7,577 53
Todd,	-	-	-	-	-	-	2,496 00
Butler,	-	-	-	-	-	-	1,157 00
Ohio,	-	-	-	-	-	-	1,440 00
Hardin,	-	-	-	-	-	-	306 00
State of Mississippi,	-	-	-	-	-	-	891 00
“ Tennessee,	-	-	-	-	-	-	1,232 00
“ Illinois,	-	-	-	-	-	-	328 00

NOTE.—The debts in the State of Mississippi, Tennessee and Illinois are secured by endorsers in this county.

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER. The bond has received the attention required by the charter, and cash counted regularly, excepting one month only, then the cashier was absent and sick; due attention has since been given by the Board of Directors.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER. In one instance a loan was made, under peculiar circumstances, in which a member of the Board is interested, and no call required for a limited time; except this, the president and directors, in all cases, have paid their calls regularly, and at the same rates as other debtors.

RICHARD CURD, *Cashier*.

JAS. T. DONALDSON, } *Commit-*
THOS. QUIGLEY, } *tee of Di-*
GEO. W. HOWORTH, } *rectors.*

STATE OF KENTUCKY, *Warren county, Sct :*

This day Richard Curd, Jas. T. Donaldson, Thos. Quigley and Geo. W. Howorth, personally appeared before me, a justice of the peace for the county aforesaid, and made oath that the foregoing statements are true.

Given under my hand, this 2nd day of January, 1839.

P. DONALDSON, J. P.

A STATEMENT, showing the Resources and Liabilities of the Bank of Kentucky, and Branches, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.

RESOURCES.

1838.	Bills discounted.	Bills of exchange.	Suspended debt.
January, - -	4,805,270 02	1,150,354 67	99,780 38
February, - -	4,817,143 67	1,037,638 39	100,096 15
March, - -	4,898,833 48	911,463 72	64,895 97
April, - -	4,907,248 02	892,054 18	66,296 31
May, - -	4,890,067 31	806,713 97	61,385 50
June, - -	4,813,043 78	809,779 91	65,637 00
July, - -	4,715,850 63	801,971 47	66,717 00
August, - -	4,699,693 68	861,729 13	65,758 45
September, - -	4,616,796 86	1,037,227 55	121,876 00
October, - -	4,650,303 66	1,387,122 16	62,587 67
November, - -	4,655,513 03	1,569,733 23	58,255 96
December, - -	4,567,110 70	1,785,168 19	61,745 16

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

1838.	Real estate.	Expenses.	Due by other banks.
January, - -	55,172 78	5,724 14	1,128,474 27
February, - -	55,172 78	8,957 41	1,252,989 10
March, - -	55,311 74	14,534 75	1,075,712 46
April, - -	55,311 74	17,426 37	927,598 69
May, - -	55,311 74	20,139 06	1,087,855 23
June, - -	55,311 74	-	1,078,084 94
July, - -	55,311 64	3,294 35	1,048,572 07
August, - -	55,311 74	5,996 62	1,009,839 81
September, - -	55,311 74	10,630 64	773,822 75
October, - -	55,311 74	13,610 62	855,468 77
November, - -	55,311 74	17,412 65	656,021 37
December, - -	55,311 74	-	721,765 83

1838.	Specie on hand.	Notes of other Banks.	State and City Bonds.
January, - -	751,126 60	513,654 86	1,540,000
February, - -	752,840 55	556,362 17	1,540,000
March, - -	762,437 32	336,213 59	1,540,000
April, - -	772,801 66	436,253 48	1,550,000
May, - -	800,295 38	443,239 35	1,675,000
June, - -	858,845 23	213,424 56	1,675,000
July, - -	865,263 51	418,476 43	1,675,000
August, - -	792,189 05	263,179 85	1,675,000
September, - -	761,472 32	257,900 67	1,675,000
October, - -	736,512 07	443,712 31	1,675,000
November, - -	679,275 75	395,544 07	1,675,000
December, - -	642,776 36	317,686 54	1,675,000

1838.	Bank checks un- paid.	Treasurer of the State.	Interest account.
January, - -	154,435 52		
February, - -	3,849 10		
March, - -	40,219 28	4,118 15	20,625 00
April, - -	50,219 28	4,117 85	20,625 00
May, - -	39,039 08	-	20,625 00
June, - -	36,139 98	-	25,000 00
July, - -	13,980 98		
August, - -	12,639 98		
September, - -			
October, - -			
November, - -	12,423 85	-	13,863 22
December, - -	13,222 85	451 48	31,000 00

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

1838.	City of Louis- ville.	Certificate of de. Vicksburg	Costs of suit.
January, - -			
February, - -			
March, - -			
April, - -			
May, - -			
June, - -	5,668 32		
July, - -			
August, - -			
September, - -	-	9,389 98	7 75
October, - -	-	9,389 98	
November, - -	-		
December, - -	-	-	111 54
1838	Interest p'd Bank United States.	Suspense acc't.	Total.
January, - -	-	-	10,203,993 24
February, - -	-	-	10,125,049 32
March, - -	-	-	9,724,365 46
April, - -	-	-	9,699,952 58
May, - -	-	-	9,899,671 62
June, - -	-	-	9,635,935 46
July, - -	-	-	9,664,438 18
August, - -	-	-	9,441,338 31
September, - -	13,750 00	-	9,333,186 26
October, - -	13,750 00	766 59	9,903,535 57
November, - -	-	1,009 79	9,789,364 66
December, - -	-	1,009 79	9,872,360 18

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

1838	Capital Stock.	Notes in circulation.	Individual deposits.
January, - -	4,637,758 36	2,468,870 00	587,930 67
February, - -	4,638,708 60	2,519,350 00	618,387 79
March, - -	4,638,708 60	2,362,195 00	594,487 83
April, - -	4,638,958 60	2,399,922 00	608,092 36
May, - -	4,639,108 60	2,475,933 00	645,871 50
June, - -	4,642,608 60	2,639,206 00	658,920 55
July, - -	4,643,158 60	2,571,532 00	608,210 89
August, - -	4,643,158 60	2,326,498 00	669,951 76
September, - -	4,644,488 60	2,478,815 00	694,092 31
October, - -	4,671,895 00	2,758,897 00	673,456 65
November, - -	4,671,895 00	2,704,810 00	633,845 45
December, - -	4,679,404 00	2,781,812 00	695,450 88
1838	Due to other Banks.	Due to Treasurer of State.	Due to Treasurer of U. States.
January, - -	711,207 72	88,076 30	529,820 44
February, - -	686,029 25	33,122 86	529,820 44
March, - -	797,919 72	22,645 86	529,820 44
April, - -	693,997 93	14,687 44	484,820 44
May, - -	617,011 56	129,455 03	529,820 44
June, - -	436,930 26	29,991 77	366,987 10
July, - -	340,347 19	27,431 04	530,987 14
August, - -	334,954 96	19,642 66	380,170 08
September, - -	357,372 63	6,462 63	29,663 34
October, - -	605,977 21	2,971 48	29,663 34
November, - -	550,656 15	4,503 03	27,263 34
December, - -	618,135 78	69,598 28	27,263 34
1838	Due Commis'rs Sinking Fund.	Due Treas. Int. Improvement.	Contingent fund, and profit & loss.
January, - -	55,129 54	116,784 87	130,558 79
February, - -	72,944 62	9,153 01	130,558 79
March, - -	1,996 85		130,558 79
April, - -	23,295 41	8,631 26	130,558 79
May, - -	7,194 66	1,551 26	130,558 79
June, - -	7,194 66	2,387 76	100,000 00
July, - -	40,786 20	115,179 10	115,519 45
August, - -	40,393 20	140,913 18	115,519 45
September, - -	65,856 24	204,877 03	115,519 45
October, - -	39,628 84	234,114 82	115,519 45
November, - -	42,838 84	179,820 69	115,519 45
December, - -	9,805 22	245,744 84	100,000 00

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

1838	Discounts and premiums.	Bank of the U. States.	Board of education.
January, - -	26,946 42	825,000 00	
February, - -	61,973 96	825,000 00	
March, - -	96,032 37	550,000 00	
April, - -	124,140 58	550,000 00	22,847 77
May, - -	150,569 01	550,000 00	22,597 77
June, - -	179,110 99	550,000 00	22,597 77
July, - -	34,460 02	550,000 00	22,597 77
August, - -	62,318 29	550,000 00	22,225 02
September, - -	98,296 03	550,000 00	22,125 02
October, - -	138,477 81	550,000 00	22,125 02
November, - -	171,064 46	550,000 00	21,975 02
December, - -	230,614 87	275,000 00	21,945 02

1838	Dividends unclaimed.	Pn. on acc't of Int. Impr'vmnt.	District court U. States.
January, - -	25,910 13		
February, - -			
March, - -			
April, - -			
May, - -			
June, - -			
July, - -	64,228 78		
August, - -	62,411 88	3,181 23	
September, - -	61,476 45	4,141 53	
October, - -	60,808 95		
November, - -	12,918 45	-	2,220 00
December, - -	12,865 95	-	2,220 00

1838	James Clark, Governor.	Costs of suit.	Real est. fund.	Total.
January, - -	-	-	-	10,203,993 24
February, - -	-	-	-	10,125,049 32
March, - -	-	-	-	9,724,365 46
April, - -	-	-	-	9,699,952 58
May, - -	-	-	-	9,899,671 62
June, - -	-	-	-	9,635,935 46
July, - -	-	-	-	9,664,438 18
August, - -	-	-	-	9,441,338 31
September, - -	-	-	-	9,333,186 26
October, - -	-	-	-	9,903,535 57
November, - -	100,000	34 78	-	9,789,364 66
December, - -	100,000	-	2,500	9,872,360 18

BANK OF KENTUCKY,
Louisville, December 28, 1838. }

GENTLEMEN:

In order to give you full and accurate information upon the subject of enquiries, required to be made by resolutions of the House of Representatives, we hand you, herewith, a tabular statement of the amount due the Treasurer of the United States from the Bank of Kentucky, at the close of each month, from 31st October, 1836, to 30th November, 1838. It does not extend as far back as required by the resolutions, the first deposit having been made in October 1836.

We also annex a statement exhibiting the respective periods at which the government deposits were made, and in what manner. These payments were made to the Bank of Kentucky at her own counter, of which a small portion was in specie, and the remainder in her own notes, or in such notes, as she was willing to renew on general deposit.

We also annex a statement exhibiting the periods, at which payments were made to the Treasurer of the United States, and to what parties.—There were made in part at the counter of the Bank, in specie, in her own notes, or in such notes as would best suit the holders of the warrants. A large part, it will be seen, was paid to the State of Kentucky by increasing the stock of the State in the capital stock of the Bank—a part was also paid at Richmond, Virginia, and the remainder in Treasury notes, and in checks on eastern Banks. This Bank has, since its creation, in the regular transaction of business, discounted for merchants and traders notes of hand or bills of exchange on various parts of the United States, arising from the exports of the State—of commission on the transfer of funds by the Bank from point to point, the means were derived from the sellers of bills of exchange. A portion of the means, by which this Bank met the debt due the Treasurer of United States, was derived by a purchase of eastern funds from the Governor of the State, arising from sales of bonds for internal Improvement.

By reference to the business of the Bank of Kentucky, prior to 15th May, 1837, and subsequent to the receipt of the public deposits, it will be seen that it was, at no time, materially increased or diminished. Its managers not knowing how long the public money would remain on deposit, could not bank on it to any great extent, and the Legislature must judge whether the amount of business was ever too high. Any discount of notes or bills, was made without reference to the public deposits.

Very respectfully,

W. H. POPE, *Pres.*
 DAVID HERAN,
 WM. FELLOWES,
 GEO. KEATS.

To Messrs. GUTHRIE, }
 TRIMBLE, } *Committee.*

The following statement exhibits the balances due to the Treasurer of the United States, from the 5th of October, 1836, when the first deposit was made, to 1838.

1836.

October 31,	By balance,	-	-	-	-	-	\$204,900 00
Nov. 30,	do.	-	-	-	-	-	254,900 00
Dec. 31,	do.	-	-	-	-	-	454,970 12

1837.

January, 31,	do.	-	-	-	-	-	397,050	99
February 28,	do.	-	-	-	-	-	837,796	74
March 31,	do.	-	-	-	-	-	929,677	61
April 30,	do.	-	-	-	-	-	929,457	61
May, 31,	do.	-	-	-	-	-	897,378	32
June, 30,	do.	-	-	-	-	-	662,612	17
July, 31,	do.	-	-	-	-	-	701,112	17
August 31,	do.	-	-	-	-	-	676,710	91
Sept. 30,	do.	-	-	-	-	-	626,525	03
October 30,	do.	-	-	-	-	-	594,658	51
Nov. 30,	do.	-	-	-	-	-	555,980	55
Dec. 31,	do.	-	-	-	-	-	536,459	78

1838.

January	31,	do.	-	-	-	-	-	529,820	44
February	28,	do.	-	-	-	-	-	529,820	44
March	31,	do.	-	-	-	-	-	529,820	44
April	30,	do.	-	-	-	-	-	529,820	44
May	31,	do.	-	-	-	-	-	529,820	44
June	30,	do.	-	-	-	-	-	513,820	44
July.	31,	do.	-	-	-	-	-	530,987	14
August	31,	do.	-	-	-	-	-	380,170	08
Sept.	30,	do.	-	-	-	-	-	29,663	34
Oct.	31,	do.	-	-	-	-	-	29,663	34
Nov.	30,	do.	-	-	-	-	-	27,263	34

The following statement exhibits the respective periods at which the government deposits were made, and in what manner.

1836.

October	5,	Deposited by T. A. Howard, District Attorney for Indiana,	-	-	-	-	\$	4,900	00
	21	Deposited by transfer draft on branch of North- ern Bank at Louisville,	-	-	-	-		100,000	00
	27,	Deposited by transfer draft on branch of North- ern Bank at Louisville,	-	-	-	-		100,000	00
								<hr/>	
Amount carried forward								\$	204,900 00

Amount brought forward, -	-	-	-	-	\$204,900 00
Nov. 19,	Deposited by transfer warrant on State Bank of Indiana at Richmond, -	-	-	-	50,000 00
Dec. 15,	Deposited by transfer warrant on State Bank of Indiana at Indianapolis, -	-	-	-	100,000 00
17,	Deposited by E. S. Camp, Surveyor of the Port of Louisville, -	-	-	-	70 12
21,	Deposited by transfer warrant on branch of Northern Bank at Louisville, -	-	-	-	100,000 00
1837.					
January 5,	Deposited by transfer warrant on branch of Northern Bank at Louisville, -	-	-	-	100,000 00
February 3,	Deposited by transfer warrant on State Bank of Indiana at Madison, -	-	-	-	100,000 00
	Deposited by transfer draft on Louisville Savings Institution, -	-	-	-	20,000 00
	Deposited by transfer draft on same, -	-	-	-	20,000 00
7,	Deposited by E. S. Camp, Surveyor of the Port of Louisville, -	-	-	-	745 75
10,	Deposited by transfer draft on branch of Northern Bank at Louisville, -	-	-	-	100,000 00
15,	Deposited by transfer draft on Commercial Bank of Cincinnati, -	-	-	-	50,000 00
	Deposited by transfer draft on same, -	-	-	-	50,000 00
	Do. do. do. -	-	-	-	50,000 00
	Do. do. do. -	-	-	-	50,000 00
March 1,	Deposited by transfer draft on branch of Northern Bank at Louisville, -	-	-	-	100,000 00
25,	Deposited by transfer draft on State Bank of Indiana at New Albany, -	-	-	-	100,000 00
16,	Deposited by transfer draft on branch of Northern Bank at Louisville, -	-	-	-	50,000 00
April 13,	Deposited by transfer draft on branch of Northern Bank at Louisville, -	-	-	-	100,000 00
15,	Deposited by transfer draft on State Bank of Indiana at Lawrenceburg, -	-	-	-	100,000 00
May 11,	Deposited by D. Thomas, Receiver of Public Monies at Helena, -	-	-	-	1,740 71
June 8,	Deposited by E. S. Camp, Surveyor of the Port of Louisville, -	-	-	-	2,301 14
28,	Deposited by transfer draft on Commercial Bank of Cincinnati, -	-	-	-	100,000 00
July 29,	Deposited by transfer warrant on same, -	-	-	-	100,000 00
August 29,	do. do. do. -	-	-	-	100,000 00
Sept. 22,	Deposited by E. S. Camp, Surveyor of the Port of Louisville, -	-	-	-	1,681 12
1838.					
June 30,	By interest on public deposit, from 19 December, 1837, to 1 July, 1838, -	-	-	-	17,166 70
					<u>\$1,768,605 54</u>

Whole amount of Deposits by Government,	-	-	\$1,768,605 54
Amount of payments,	-	-	1,741,342 20
Balance due the Treasury of the United States,	-	-	<u>\$27,263 34</u>

RECAPITULATION OF DEPOSITES.

By transfer of drafts on Northern Bank at Louisville	-	\$750,000 00
On State Bank of Indiana, - - -	-	450,000 00
On Commercial Bank of Cincinnati, - - -	-	500,000 00
From Disirict Attorney, - - -	-	4,900 00
Surveyor of Port of Louisville, - - -	-	4,798 13
Receiver at Helena, - - -	-	1,740 71
Amount per interest, - - -	-	17,166 70
Louisville Savings Institution, - - -	-	40,000 00
		<u>\$1,768,605 54</u>

The following statement exhibits the periods at which payments were made to the Government, and upon what authority,

1837.

January	28,	Paid on Treasury Draft, in favor of the State of Kentucky, - - -	\$157,919 13
March	31,	Paid on Treasury Drafts to the State of Kentucky, - - -	157,919 13
		Paid to G. W. Andrews, Captain of 6th Infantry, - - -	200 00
April	7,	Paid to Alexander Moore, on Treasury Drafts, - - -	20 00
	14,	Paid Capt L. Ford, on Treasury Draft, - - -	200 00
	20,	Paid to Planters Bank of Tennessee, on Treasury Draft, - - -	100,000 00
		Paid to the same, on Treasury Draft, - - -	100,000 00
		Paid to Capt. Jacob Brown, agent of Indian Department, on Treasury Draft, - - -	21,320 00
May	17,	Paid Capt. W. M'Knight, agent of Engineer Department, on Treasury Warrant, - - -	12,500 00
	31,	Paid Elias Rector, Marshal of District of Arkansas, on Treasury Draft, - - -	1,000 00
June	9,	Paid to same, on Treasury Draft, - - -	1,000 00
		Do. do. do. - - -	1,000 00
	13,	Paid L. Parks & Co., on Treasury Draft, - - -	148 16
	19,	Paid H. M. Shreve, on Treasury Draft, - - -	11,000 00
		Paid to same, on Treasury Draft, - - -	12,000 00
	20,	Paid on Treasury Draft, to State of Kentucky, - - -	277,919 13
		Amount carried forward, - - -	<u>\$854,145 55</u>

Amount brought forward,	-	-	-	\$854,145 55
June 27,	Paid on Treasury Draft, to Treasurer of the State of Arkansas,	-	-	33,000 00
July 10,	Paid on Treasury Draft, to Governor, Comptroller and Treasurer of Tennessee,	-	-	37,500 00
	17, Paid H. M. Shreve, on Treasury Draft,	-	-	14,000 00
	19, Paid Capt. J. G. Taylor, on Treasury Draft,	-	-	10,000 00
August 3,	Paid to Bank of Virginia, on Treasury Draft,	-	-	100,000 00
	21, Paid A. J. Philips, on Treasury Draft,	-	-	6,000 00
	Paid H. M. Shreve, on Treasury Draft,	-	-	2,500 00
	Paid same, on Treasury Draft,	-	-	10,000 00
August 22,	Paid A. J. Philips, on Treasury Warrants,	-	-	3,000 00
	25, Paid H. M. Shreve, on Treasury Draft,	-	-	2,901 26
Sept. 1,	Paid A. J. Philips, on Treasury Draft,	-	-	500 00
	4, Paid Capt. J. P. Taylor, on Treasury Draft,	-	-	13,000 00
	6, Paid John J. Green, Treasury Draft,	-	-	887 00
	7, Paid W. Carter, on Treasury Draft,	-	-	10,000 00
	8, Paid Benedict & Carter, on Treasury Draft,	-	-	5,000 00
	15, Paid W. M'Knight, on Treasury Draft,	-	-	4,250 00
	27, Paid H. M. Shreve, on Treasury Draft,	-	-	18,030 00
	Paid Capt. St. Clair Denney, on Treasury Draft,	-	-	200 00
October, 2,	Paid Taylor and Kerny, on Treasury Draft,	-	-	20 00
	Paid R. B. McAfee, on Treasury Draft,	-	-	1,471 52
	14, Paid A. A. Massias, on Treasury Draft,	-	-	30,000 00
	21, Paid T. B. Monroe, on Treasury Draft,	-	-	375 00
Nov. 4,	Paid Lewis Sanders, on Treasury Draft,	-	-	50 00
	10, Paid F. Taylor, on Treasury Draft,	-	-	23,000 00
	17, Paid J. M. McCalla, on Treasury Draft,	-	-	50 00
	22, Paid W. Noland, on Treasury Draft,	-	-	4,627 96
	27, Paid F. Taylor, on Treasury Draft,	-	-	10,950 00
Dec. 4,	Paid H. M. Shreve, on Treasury Draft,	-	-	15,695 77
	18, Paid H. M. Thompson, on Treasury Draft,	-	-	3,825 00
1838.				
January 8,	Paid L. Parks & Co., on Treasury Draft,	-	-	42 30
	22, Paid D. S. Niles, on Treasury Draft,	-	-	2,607 04
	Paid A. M. Thompson, on Treasury Draft,	-	-	1,990 00
	Paid E. Rector, on Treasury Draft,	-	-	2,000 00
June 5,	Paid Treasurer of U. States, by check of B'k. of Kentucky on Union Bank of New York,	-	-	16,000 00
August 7,	Paid Treasurer of U. States, in Treasury notes,	-	-	100,000 00
	Interest on the same,	-	-	1,508 80
	10, Paid S. T. Cross, on Treasury Draft,	-	-	815 00
	20, Paid Capt J. Brown on Treasury Draft,	-	-	30,000 00
	Paid same, on same,	-	-	19,000 00
Sept. 3,	Paid Treasurer of United States, by check of Bank of Kentucky, on Bank of U. States,	-	-	300,000 00
				\$1,688,942 20

Amount brought forward,	-	-	-	-	\$1,688,942 20
Sept. 3,	Paid Treasurer of U. States, by check of Bank				
	of Kentucky, on Bank of Virginia,	-	-		50,000 00
November 23,	Paid W. H. Bills, on Treasury Draft,	-	-		2,400 00
					<u>\$1,741,342 20</u>

RECAPITULATION OF PAYMENTS.

On Treasury Drafts, to the State of Kentucky,	\$593,757 39
On Treasury Drafts, to sundry individuals,	781,584 81
By checks of Bank of Kentucky, on Bank of U.	
States, Bank of Virginia, and Union Bank of	
N. York,	- - - - 366,000 00
	<u>\$1,741,342 20</u>

NORTHERN BANK OF KENTUCKY AND BRANCHES.

NORTHERN BANK OF KENTUCKY.

NORTHERN BANK OF KENTUCKY.

QUESTIONS propounded to the Northern Bank of Kentucky, at Lexington, by the Joint Committee on Banks, and the answers of a Committee of the Board of Directors of said Bank:

QUESTION 1.—Has the Branches of the Northern Bank of Kentucky complied with the second and third sections of the act, approved the 16th February, 1838, “entitled, an act dispensing with quarterly, and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State,” and has the Northern Bank of Kentucky complied with said sections?

ANSWER.—Those sections of the act referred to, have been complied with by the principal Bank and Branches.

QUESTION 2.—Will the reports of the Northern Bank of Kentucky, to the Secretary of State, exhibit the true condition of the Bank and Branches, at the close of each month, from the 1st of January, 1838, to 1st Janua-

ry, 1839, and if they will not, then exhibit such a statement as a part of the answer to this question?

ANSWER.—In our opinion they do.

QUESTION 3.—Has the business of the Northern Bank of Kentucky, been transacted on good and safe securities?

ANSWER.—We think it has.

QUESTION 4.—What amount of bad debts have you made since your Bank went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—We have no debt so bad as to have been yet carried to the account of profit and loss. Besides the usual expenses and charges carried to the account of profit and loss, that account has been charged with \$2,-831 28, being 12 per cent. damages paid on demands for gold and silver during the suspension.

QUESTION 5.—What amount of debts due your Bank are considered doubtful?

ANSWER.—The amount which may be considered as doubtful, is very inconsiderable. The precise sum not easily ascertained.

QUESTION 6. Has the deferred debts in the Northern Bank of Kentucky been reduced in accordance with the terms on which they were deferred?

ANSWER.—They have.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, say how much, or what per cent., and if not, then say why it has been employed in exchange?

ANSWER.—In general, that portion of the capital employed in exchange, has been more profitable than that employed in direct loans; but the difference in profit, it is difficult, if not impossible, to calculate. In dealing in exchange, the Bank incurs risk, and the profit is always uncertain. The great inducements to deal in exchange have been to afford facilities to the exporters of live stock, and other produce of the country, to accommodate the merchants with eastern or other funds, to replenish the vaults with specie, and to keep out the circulation of foreign paper.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—There is greater promptness in paying Bills of Exchange than in paying notes, because bills are generally drawn on property sent to market or funds in the hands of the acceptors. Notes are often discounted for accommodation merely.

QUESTION 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

ANSWER.—For the reasons stated in the answer to the 7th question, the Bank considers it proper, both for the interest of the stockholders and community, to appropriate a certain portion of its capital to purposes of exchange, and it has frequently happened, that when the discount line was full, the Bank has declined discounting notes, while it was purchasing Bills of Exchange.

QUESTION 10.—Has the Bank purchased Bills of Exchange and taken off the interest and exchange with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

ANSWER.—In no instance.

QUESTION 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—Never.

QUESTION 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank?

ANSWER.—In no instance has the Bank dealt in depreciated Bank paper; whenever the Bank has received, or paid out, the notes of other Banks than their own, it has received and paid them at par.

QUESTION 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

ANSWER.—The experience of the Bank shows that $1\frac{1}{2}$ per cent. on domestic bills, is not more than a fair charge for the risk and expenses of transacting the exchanges in our own State—the Bank furnishing checks on its Branches at par.

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

ANSWER.—During the suspension of specie payments in the South, this Bank had to charge on Bills of Exchange a rate sufficient to reimburse it, either in specie or Eastern funds. By a comparison of the rates of specie, or Eastern funds, in New Orleans and other places in the South, at the period at which bills were purchased, it will be found that not more than a fair rate has been charged for that end.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—We believe the Bank has dealt fairly in the distribution of its loans, as will be seen by answer to question No. 16.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Lexington, and Fayette, and the aggregate amount to citizens of other counties, separately—and if so, give the statement?

ANSWER.

To Lexington, -	\$246,196 31	To Lincoln, - -	3,930 00
To Fayette county, -	133,518 00	To Garrard, - -	6,119 00
To Bourbon, -	49,385 00	To Gallatin, - -	3,300 00
To Woodford, -	34,136 00	To Franklin, - -	3,676 00
To Clarke, - -	38,733 00	To Floyd, - -	300 00
To Scott, - -	103,903 00	To Shelby, - -	1,200 00
To Mercer, - -	15,389 00	To Fleming, - -	8,435 00
To Jessamine, -	24,073 00	To Henry, - -	900 00
To Montgomery, -	7,554 00	To Louisville, -	22,577 00
To Bath, - -	12,012 00	To Harrison, - -	10,784 00
To Nicholas, - -	6,211 00	To Whitley, - -	1,100 00

To Nelson, - -	1,250 00	To Estill, - -	9,505 00
To Mason, - -	3,050 00	To Warren, - -	600 00
To Boone, - -	6,000 00	To Anderson, - -	700 00
To Pulaski, - -	500 00	To Spencer, - -	1,200 00
To Clay, - -	1,653 00	To Knox, - -	1,700 00
To Greenup, - -	16,000 00	Other places, - -	20,750 00
To Green, - -	3,030 00		
To Carter, - -	150 00	Aggregate, - -	\$799,629 31

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank or Branches, and if so, say how long the vacancy was suffered to exist, and why?

ANSWER.—Whenever any vacancy has occurred either in the principal Bank, or any of the Branches, the Board has always filled it as soon as they could be informed of a fit person, who was qualified according to the charter.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—The bonds of the different officers have been frequently exhibited to the Board, and a committee has been appointed, quarterly, to examine the Cashier's account, and have regularly made satisfactory reports. The minute counting of the cash, has been too onerous a duty for the Committee, but the examinations of the Committee, from personal inspection, has always been made, and received by the Board as satisfactory.

QUESTION 19.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—We believe it has.

QUESTION 20.—You will answer the resolution of the session of 1837, (see acts of that session, 1836-'7, page 358,) and the answers to that resolution, so far as it contains answers to questions now propounded, may be referred to in your answers to the written questions?

ANSWER.—The semi-annual report to the Secretary of State shows the condition of this Bank and Branches. The loans to citizens of Lexington and other counties, at the close of last year, answered by the 16th question. The amount loaned to the directors, including the debt as partners, \$31,675. The liabilities of Directors on Bills of Exchange, \$33,113 63. The amount owing by the fifty highest debtors, in the city of Lexington, (exclusive of the corporation which owes \$25,253 79,) is \$184,596 37.

All which is respectfully submitted.

M. T. SCOTT, *Cashier.*

JNO. TILFORD, *Pres.* }
 JOHN BRANE, } *Com.*
 R. WICKLIFFE, JR. }

LOUISVILLE BRANCH OF NORTHERN BANK OF KENTUCKY.

Questions to be answered by the branch of the Northern Bank of Kentucky, at Louisville.

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER. It has.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We are not aware that any bad debts have been made by this office; none have been carried to the account of profit and loss.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER. We do not consider any of the debts due this Branch as doubtful.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. We had deferred debts (growing out of the late commercial embarrassments,) amounting to \$131,099 20, these debts have been reduced according to agreement; they amount at present to \$94,890.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER. We do not recollect a single instance of our rejecting an application for a discount (or loan) on a note, with the view of inducing the applicant to offer a bill of exchange. We have frequently purchased bills of exchange, on the same day that notes offered for discount have been rejected, and in several instances, perhaps, from persons whose notes have been rejected. Bills of exchange are generally more profitable to the Bank, and we prefer purchasing them, not only because they are more profitable, but because we believe it to be the interest of a larger portion of our customers and of the community, also, that we should do so. It is, also, the only means on which we can rely with any certainty, for procuring eastern exchange, which we consider equivalent to, if not better than, specie. We think this Branch for a long time past, has had much too large a proportion of its capital employed in discounted notes.

QUESTION 6.—Has your Branch purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were to be retained and paid at the branch at maturity?

ANSWER. Never.

QUESTION 7.—Has your Branch discounted notes or Bills with an understanding, that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER. We have not paid out, on notes or bills discounted, any notes which we had not received on deposit, or in payment, at par.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for ever sixty days?

ANSWER. We have not.

QUESTION 9.—Has your Branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and Bills offered from such other counties were equally good?

ANSWER. We are not aware that any distinction is made, when we know the applicants from other counties are equally good.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER. It is difficult to give a strictly correct answer to this question. As far as we can ascertain the amount of loans to citizens of this city and county is \$492,454 45, and to citizens of other counties \$56,588 90.

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER. The cash of this branch has been regularly counted by a committee of the Board of Directors, appointed from time to time for that purpose. The bond of our Cashier is taken and kept at the Mother Bank at Lexington; the bonds of the Clerks, in this Branch, are kept by our Cashier—they have not been examined by the Board of Directors, since they were given.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. We believe it has.

QUESTION 15.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER. They have.

In answer to the questions contained in the resolution of the Legislature in relation to the amount loaned to the Directors of this Branch, and their liabilities on bills of exchange, and the several amounts the fifty highest debtors owe in this city, we answer that the amount loaned to the members of the Board of Directors, individually, is only \$446 22; the amount of the notes discounted by this Branch, of the firms of which the President and Directors are members, is \$38,565 33, a considerable portion of this amount is in notes at 90 days date, and payable at maturity. The amount of the liabilities of the firms of which the Directors are members, on bills of exchange, is \$32,496 12. The several amounts the fifty highest debtors, in in the city, owe this Branch, are as follows, viz:

\$ 6,530	6,913	<p>NOTE.—The four largest amounts in the annexed list, amounting to \$94,890, are the debts referred to in the answer to question 4th, and secured by mortgages on real estate.</p>
24,945	4,500	
10,000	7,251	
3,052	8,848	
10,854	6,362	
13,495	3,387	
3,488	4,338	
6,610	3,430	
5,882	3,240	
3,128	5,670	
3,078	5,000	
6,139	8,000	
19,460	2,568	
9,048	3,000	
4,735	4,130	
3,423	30,595	
19,890	3,855	
5,916	2,016	
4,006	3,292	
4,740	4,353	
4,116	2,314	
8,095	4,456	
6,536	2,100	
4,625	5,835	
3,395		
2,459	\$332,994	Total amount \$332,994.

All of which is respectfully submitted.

WM. RICHARDSON, *Cashier.*

THOS. ANDERSON, *Pres't.*

W. H. BACON,)

J. P. BULL,)

W. NISBET,)

Com. of Directors.

LOUISVILLE, *January 2nd, 1839.*

COVINGTON BRANCH OF NORTHERN BANK OF KENTUCKY.

Questions propounded to the office Northern Bank of Kentucky by a Committee of the Legislature:

QUESTION 1. Has the business of your branch been transacted on good and safe security?

ANSWER. It has.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We have made no bad debts that we know of. Nothing has carried to the account of profit and loss, except the balances of discount, exchange, and contingent expense accounts.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. There is some slight doubt entertained by some members of the Board, in relation to the security of debts, to the amount of \$33,806 25.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. We have no deferred debts that have yet become due.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused by way of discount, and given it on bills of exchange for the sake of the exchange over and above the interest.

ANSWER. The Board have refused to discount the paper of individuals, of whom they have afterwards purchased Bills of Exchange on points upon which they believed his business authorized him to draw, charging interest and exchange, and they have, also, in many instances, refused to purchase Bills of Exchange, drawn without authority, and discounted notes for the same individuals, charging only 6 per cent. interest.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—They have not.

QUESTION 7.—Has your Branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—They have not.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—They have not.

QUESTION 9.—Has your Branch extended accommodations to the citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—They have not, except in very few instances, and in those the applicant lived nearer to some other Branch.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each other counties, to which you have made loans?

ANSWER.—The amount under loan upon notes and bills to citizens of the city of Covington, \$112,341 14. County of Campbell, \$105,003 66.—County of Boone, \$137,655 06. City of Cincinnati, \$42,666 42. Harrison, \$12,673. Gallatin, \$11,169. Pendleton, \$6,871. Grant, \$6590 53. Greenup and Owen, \$3,030 27. Bank drafts, and checks, &c., \$9,222 46.

QUESTION 11.—Has your Branch regularly counted the cash and examined the bonds of the officers, as required by your charter? and if not, say why it was omitted?

ANSWER.—The Board have at the last meeting in every month, appointed a committee to count the cash, which duty has been regularly performed on the last day of every month, except in three or four instances, when an attendance of the committee could not be procured. They have not been apprised that it was the duty of the Branch Board to examine the bonds of its officers, until the reception of these interrogatories, since which, that duty has been performed.

QUESTION 12. Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. It has.

QUESTION 13. Has your President and Directors paid the regular calls on their debts, in the same way, [and at the same rate, as required of other debtors?

ANSWER.—The Board has not in every instance required the customary calls from the Directors. In cases, however, where the indebtedness of a Director has exceeded three thousand dollars, he has been placed upon the same footing as other debtors of the Bank.

Amount loaned to President and Directors,	-	-	-	45,474 18
Their liabilities upon Bills of Exchange,	-	-	-	13,277 28

\$58,751 46

Amounts the fifty highest debtors owe in the cities upon the notes and bills,

33,806 25	2,900 00	1,400 00
8,000 00	2,861 00	1,360 00
7,901 18	2,789 60	1,314 00
6,160 00	2,400 00	1,296 00
9,540 00	2,500 00	1,200 00
5,140 78	2,000 00	1,140 00
4,444 00	1,800 00	1,115 00
4,375 92	1,800 00	1,000 00
3,600 00	1,760 00	1,000 00
3,492 00	1,700 00	1,000 00
3,446 17	1,613 80	980 00
3,400 00	1,600 00	968 19
	1,591 00	925 49

3,081 27	1,572 03	800 00
3,200 00	1,520 00	735 00
3,500 00	1,500 00	684 00
3 500 00	1,495 00	700 00

JOHN B. CASEY, *President.*

P. S. BUSH, *Cashier.*

JOHN K. M'NICKLE, } *Directors.*
JAS. M. CLARKSON. }

Campbell county, Sct:

Personally appeared before the undersigned, a Justice of the Peace in and for said county, John B. Casey, President, P. S. Bush, Cashier, and John K. M'Nickle, and James M. Clarkson, Directors, of the officers of the Northern Bank of Kentucky in Covington, and made oath that the foregoing answers and exhibit were correct and true to the best of their knowledge and belief.

Given under my hand this 2d day of January, 1839.

HAMILTON MARTIN, *J. P.*

PARIS BRANCH OF THE NORTHERN BANK.

Questions propounded by a committee of the Legislature of Kentucky to the Paris Branch of the Northern Bank of Kentucky :

QUESTION 1.—Has the business of your branch been transacted on good and safe securities?

ANSWER.—Yes.

QUESTION 2.—What amount of bad debts have you made since you went into operation ? and what amount of bad debts have been carried to the account of profit and loss ? and what other sums have been carried to said account?

ANSWER.—None. The amount carried to profit and loss only includes contingent expenses.

QUESTION 3.—What amount of debts due your branch are considered doubtful?

ANSWER.—None.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER.—We have two deferred debts. The time to which they were deferred has not passed.

QUESTION 5.—Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER.—We have, when it was known to the Board that the applicant wanted the money for the purpose of purchasing and driving stock to a point upon which we were purchasing bills; not for the difference of profit only, but because experience has taught us that a large amount of eastern funds is absolutely necessary to protect and replenish our vaults; and, as this fund is to be obtained by the purchase of bills of exchange, during the fall, from stock drovers, it has been the aim of this Board to invest in bills such a portion of our capital as will secure the end desired. To drovers going to markets, where exchange was exorbitant, we have usually loaned money on notes.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER.—At no time.

QUESTION 7.—Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER.—No.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—No. We have in all cases used Rowlett's table of interest, as prescribed by the charter.

QUESTION 9.—Has your Branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes or bills offered from such other counties were equally good?

ANSWER.—We have never given preference to citizens of our own county where applicants from other counties were known to be equally good.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—To Paris and Bourbon county, \$168,653 79; to other counties, \$77,937 14.

QUESTION 11.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER.—Their debt has, uniformly, been small, and few calls have been made upon them, in consequence of the smallness of their debt. When calls were made, they have been met.

Resolved, That it shall be the duty of said committee, at each session of the Legislature, to examine, within the first thirty days thereof, the condition of all the banks in the State—the amount of loans in the aggregate, and the proportion to the county, and cities, and towns; the amount loaned to directors, and their liabilities, on bills of exchange; and the several

amounts the fifty highest debtors owe in the cities, and inquire into, and report all facts necessary to a complete understanding of their management.

ANSWER TO RESOLUTION.—The amount of loans in the aggregate, at this office, was, on the third instant, \$246,590 93. The amount to this town and county, and other counties, with which this office has done business, will be found in our answer to the tenth question. The amount owing by the directors of this branch, was, on the third instant, \$31,786 67. No liability on bills of exchange. And the amount owing by fifty of the highest debtors, on the discount line, on the same day, was \$150 049 53.

R. KEININGHAM,
HU. J. BRENT,
THO. KELLY, *Cashier*, } *Committee.*

BOURBON COUNTY, Sct :

Personally appeared before me, E. Thruston, a Justice of the Peace for said county, Richard Keiningham, Hugh J. Brent, and Thomas Kelly, cashier, and made oath that the foregoing answers are true, to the best of their knowledge and belief.

Given under my hand, this fourth day of January, 1839.

E. THRUSTON.

QUESTION 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

ANSWER.—The directors of this office have, at all times, known the indemnity given by the officers of this branch to be ample, and, consequently, have claimed no renewal of bonds. They have regularly examined the Cashier's account, and found entire correctness. But have, at no time, counted the cash, owing to the most implicit confidence in the Cashier.

R. KEININGHAM, }
HU. J. BRENT, } *Committee.*

BOURBON COUNTY, Sct :

Personall appeared before me, the subscriber, a Justice of the Peace for said county, Richard Keiningham and Hugh J. Brent, and made oath that the above answer is true, to the best of their knowledge and belief.

Given under my hand, January 4, 1838.

E. THRUSTON.

RICHMOND BANK OF NORTHERN BANK OF KENTUCKY.

OFFICE NORTHERN BANK OF KENTUCKY, }
Richmond.

At a meeting of the Board of Directors of the office of discount of the Northern Bank of Kentucky, at Richmond, Daniel Breck, President, Wm. McClanahan, Cashier, and Curtis Field and Howard Willams, Directors, were appointed a committee to answer and report upon the interrogatories

propounded by the Joint Committee of the Senate and House of Representatives of the Legislature of Kentucky, during its present session. The committee having had said interrogatories, and all matters pertaining thereto, under careful consideration, submit the following answers and report:

To the 1st interrogatory—the committee report that the business of this Branch has been transacted upon good and safe securities.

To the 2d—That no bad debt or debts, believe to be bad, have been made since this Branch went into operation—no such debts have been carried to the account of profit and loss, and no extra sums, other than premiums and discounts, and the current expenses of the Branch, have been carried to that account, except the following, to-wit: \$1,261 42, being interest at the rate of 12 per centum per annum, paid by this Branch upon notes and deposits, upon which specie was demanded in the year 1837, after the suspension of specie payments, also, \$269 01, costs of suits against the Northern Bank of Kentucky, paid at this office, also, \$200 received in counterfeit bank notes.

To the 3d—The committee answer that there are no debts due this Branch considered bad, none even doubtful; nor has this Branch in answer to the 4th interrogatory, any deferred debts.

To the 5th—The committee state that, knowingly, no bill of Exchange has been purchased at this office, except in the ordinary and legitimate course of trade, nor has any such bill been purchased merely for the sake of the exchange, over and above the interest. The object in the purchase of Bills of Exchange has been to accommodate the drawer, and to enable the Bank to obtain in return eastern funds, or funds that would pay for the import of the country.

To the 6th—No Bill of Exchange has been purchased at this office, and the exchange and interest taken off, with the understanding that such bill was not to be sent for collection, but to be retained and paid off at the Branch at maturity.

To 7th and 8th—The committee state that no notes or bills have been discounted at this office, with an understanding that the amount was to be taken in notes of less value than the notes of this Branch, nor has a greater rate of interest than one per cent. for ever sixty days been taken.

To the 9th—The committee state that accommodations have not been extended to the citizens of the county of Madison or town of Richmond, in preference to the citizens of other counties, when the notes and bills from such other counties have been equally good.

To the 10th—The committee answer that the aggregate amount of discounts at this Branch is \$140,063 95, and the amount loaned and due from the citizens of Richmond is,

	\$21,016 02
Citizens of Madison county,	64,028 83
Citizens of Garrard county,	13,049 14
Citizens of Lincoln county,	4,152 17
Citizens of Estill county,	12,222 51
Citizens of Clarke county,	12,088 69
Citizens of Bourbon county,	2,500 00
Citizens of Bath county,	500 00
Citizens of Floyd county,	500 00

Citizens of Clay county,	-	-	-	-	-	-	1,902 02
Citizens of Knox county,	-	-	-	-	-	-	3,500 00
Citizens of Whitley county,	-	-	-	-	-	-	969 51
Citizens of Laurel county,	-	-	-	-	-	-	1,610 06
Citizens of Rockcastle county,	-	-	-	-	-	-	1,525 00
Citizens of Woodford county,	-	-	-	-	-	-	500 00

To the 11th—The committee state they believe the requisitions of the charter have been regularly complied with in examining and counting the cash, and examining officers' bonds.

To the 12th—Has been already answered, as this office has no suspended debt.

To the 13th—The committee state that the aggregate amount due by note to this office by the President and Directors thereof, is \$15,572. Upon Bills of Exchange, none of them are under any liability; and the committee are not aware that any partiality has been shown in making them loans, nor have they been treated differently from other debtors in the calls which have been made upon their debts, and in the payment thereof.

The fifty highest debtors to this Bank on the discount line, owe the aggregate sum of \$93,360.

All which is respectfully submitted, this 31st December, 1838.

DAVID BRECK, *Pres't.*
W. McCLANAHAN, *Cash.*
CURTIS FIELD,
HOWARD WILLIAMS.

KENTUCKY, *Madison county, Sct:*

This day personally appeared before the subscriber, a Justice of the Peace for the county aforesaid, David Breck, William McClanahan, Curtis Field, and Howard Williams, and severally made oath that the facts stated in the foregoing report are true to the best of their knowledge and belief.

Given under my hand this 2d day of January, 1839.

JOSEPH TURNER, *J. P.*

A STATEMENT, showing the Resources and Liabilities of the Northern Bank of Kentucky, and Branches, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.

RESOURCES.

1838.	Bills discounted.	Bills of exchange.	Suspended debt.
January, - -	2,337,793 64	595,462 53	27,217 10
February, - -	2,272,829 01	504,946 79	30,042 10
March, - -	2,248,707 79	614,386 56	24,107 10
April, - -	2,303,069 12	651,989 44	22,957 10
May, - -	2,297,335 94	537,266 19	25,018 42
June, - -	2,282,296 03	641,031 35	23,221 99
July, - -	2,293,820 93	637,045 84	22,321 99
August, - -	2,390,447 96	775,946 11	24,321 99
September, - -	2,409,651 14	1,087,534 78	24,028 19
October, - -	2,381,537 91	1,563,943 69	20,653 10
November, - -	2,233,807 12	1,795,301 00	19,110 10
December, - -	2,049,760 44	1,835,537 02	43,443 71

1838.	State Bonds.	Due from other banks.	Real estate.
January, - -	755,000 00	590,812 42	98,129 94
February, - -	755,000 00	690,121 30	98,118 01
March, - -	755,000 00	423,781 35	99,118 01
April, - -	755,000 00	464,219 36	99,139 01
May, - -	755,000 00	508,551 76	99,139 01
June, - -	755,000 00	635,203 31	99,155 13
July, - -	755,000 00	681,114 14	99,155 13
August, - -	755,000 00	495,638 70	99,155 13
September, - -	755,000 00	475,520 68	99,155 13
October, - -	755,000 00	276,050 14	99,857 88
November, - -	755,000 00	296,506 78	99,857 88
December, - -	755,000 00	565,677 45	100,857 88

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

1838.	Contingent en- penses.	Specie on hand.	Notes of other Banks.
January, - -	706 82	754,404 76	282,727 00
February, - -	5,779 72	754,448 00	356,727 00
March, - -	9,660 58	753,235 44	318,647 00
April, - -	12,942 87	755,933 13	356,062 00
May, - -	14,992 54	751,444 39	357,032 00
June, - -	-	762,061 80	372,361 00
July, - -	4,289 37	768,004 26	345,589 00
August, - -	7,760 17	748,901 49	359,439 00
September, - -	10,673 83	730,099 84	345,812 00
October, - -	13,625 85	720,133 82	332,532 00
November, - -	16,262 98	705,784 22	282,545 00
December, - -	-	698,302 37	302,597 00

1838.	Unmatured checks.	Premi- ums.	Protest ac- count.	Interest ac- count.
January, - -				
February, - -	38,180 92	231 14	1 66	
March, - -	120,300 08	-	1 66	537 99
April, - -				
May, - -	79,502 87	-	-	110 67
June, - -	-	-	-	27,500 00
July, - -				
August, - -				
September, - -				
October, - -				
November, - -				
December, - -				

1838	Interest paid B ^k U. States.	State of Ky.	Total.
January, - -	-	-	5,442,254 21
February, - -	-	-	5,506,425 65
March, - -	-	-	5,367,483 56
April, - -	-	-	5,421,312 03
May, - -	9,219 04	-	5,434,612 83
June, - -	-	-	5,597,830 61
July, - -	-	-	5,606,340 66
August, - -	-	-	5,656,610 55
September, - -	-	-	5,937,475 59
October, - -	-	-	6,163,334 39
November, - -	8,763 13	-	6,212,938 21
December, - -	-	25,000 00	6,376,175 87

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

1838	Capital stock.	Notes in circulation.	Due to other Banks.
January, - -	2,659,300 00	1,543,650 00	247,186 18
February, - -	2,683,310 00	1,571,385 00	273,517 86
March, - -	2,688,595 00	1,496,190 00	247,866 98
April, - -	2,690,300 00	1,490,495 00	260,821 59
May, - -	2,706,740 00	1,475,735 00	246,900 10
June, - -	2,750,815 00	1,499,755 00	248,695 05
July, - -	2,771,965 00	1,581,866 00	246,395 87
August, - -	2,787,125 00	1,617,859 00	197,634 76
September, - -	2,789,090 00	1,821,222 00	270,952 53
October, - -	2,808,865 00	2,101,600 00	205,067 35
November, - -	2,850,330 00	2,160,977 00	254,574 66
December, - -	2,895,685 00	2,167,994 00	333,820 88

1838	Due to Treasurer U. States.	Due State of Ky.	Due Commiss'rs Sinking Fund.
January, - -	130,558 54	15,000 00	7 60
February, - -	111,062 42		
March, - -	81,529 73		
April, - -	66,478 86		
May, - -	61,807 22		
June, - -	60,949 49		
July, - -	56,019 71		
August, - -	51,475 77		
September, - -	41,112 57		
October, - -	31,100 81		
November, - -	33,856 03		
December, - -	32,409 32		

1838.	Individual depositors.	Bank of the U. States.	Discounts and premiums.
January, - -	387,217 94	368,761 80	10,898 13
February, - -	393,524 97	368,761 80	27,239 89
March, - -	357,340 20	368,761 80	50,074 01
April, - -	404,984 29	368,761 81	62,289 93
May, - -	395,830 75	368,761 80	80,819 91
June, - -	466,040 60	368,761 80	
July, - -	442,326 97	368,761 80	19,206 78
August, - -	399,407 76	368,761 80	48,350 29
September, - -	436,086 47	368,761 80	79,471 12
October, - -	435,792 01	368,761 80	111,721 93
November, - -	392,407 36	184,380 90	137,152 60
December, - -	512,677 86	184,380 90	

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

1838				Contingent fund, and profit & loss.	Dividends un- claimed.	Treasurer of Ky.
January,	-	-		70,143 98	9,530 04	
February,	-	-		70,143 98	7,479 73	
March,	-	-		70,143 98	6,981 86	
April,	-	-		70,143 98	6,696 95	339 63
May,	-	-		70,143 98	6,279 55	21,594 52
June,	-	-		161,462 94	6,002 14	35,348 59
July,	-	-		66,396 96	10,892 61	
August,	-	-		64,856 96	8,630 25	
September,	-	-		64,856 96	8,201 70	
October,	-	-		64,856 96	6,320 59	
November,	-	-		64,856 96	5,952 76	
December,	-	-		211,289 95	5,793 02	
1838					Due State gov- ernment offic'rs.	Total.
January,	-	-	-	-	-	5,442,254 21
February,	-	-	-	-	-	5,506,425 65
March,	-	-	-	-	-	5,367,483 56
April,	-	-	-	-	-	5,421,312 03
May,	-	-	-	-	-	5,434,612 83
June,	-	-	-	-	-	5,597,830 61
July,	-	-	-	-	42,508 96	5,606,340 66
August,	-	-	-	-	112,508 96	5,656,610 55
September,	-	-	-	-	57,720 44	5,937,475 59
October,	-	-	-	-	29,247 94	6,163,334 39
November,	-	-	-	-	128,449 94	6,212,938 21
December,	-	-	-	-	32,124 94	6,376,175 87

NORTHERN BANK OF KENTUCKY, }
Lexington, January 4, 1839. }

The following resolutions being left by the Committee on Banks, with a request that the information desired should be furnished by the 5th January, 1839, viz:

Resolved, That the Committee on Banks ascertain, accurately, the full amount of the public deposits of the United States held by the Northern Bank of Kentucky, and by the Bank of Kentucky, at the beginning of each month, from the first day of July, 1836, to the first of October, 1837, inclusive; and, also, that the Committee ascertain, with certainty, in what manner said deposits was made by the officers of the federal government, in either of said Banks, whether the money was actually deposited with said Banks, or if the deposite was made in them through checks, or drafts, or orders of transfers upon other Banks in the eastern states, or elsewhere, which, at the date of said checks, drafts, or transfers, held the public money of the United States on deposite. And, also, ascertain from what places the public money of the United States was transferred to the said Kentucky Banks, and the time when such sum received by them was deposited with them, or either of them. And, also, that the committee require of the said Banks to exhibit the evidences of calls made upon either of them during the period aforesaid, by the Secretary of the Treasury of the United States, for any part of the public money so deposited with them. And if such calls were made, that the directory of said Banks show to the Committee the several amounts called for, and to what places the said Banks were ordered or required, on the part of the United States, to transfer the amount called for. And that the Committee ascertain if the said Banks did not meet or comply with said calls through the medium of bills of exchange, purchased from the trading and mercantile people, and checks, or bills of exchange, or drafts sold by said Banks to other persons; and that said Committee report to this House all the facts involved in the inquiries herein directed—stating therein in what sort of funds the Banks met these calls of the United States, and by what means they were enable to meet them.

Resolved further, That the Committee ascertain at what disconnt, if any, did the Northern Bank sell the bonds she had purchased from the Governor of this State, to the Treasurer of the United States.

Resolved further, That the committee ascertain from said Kentucky Banks if the whole amount of the public money which had been deposited with them for the State of Kentucky, had not, before the 15th day of May, 1837, been either discounted or invested in bills of exchange, and if the money, so discounted or invested in the purchase of bills of exchange, was, on the day aforesaid, returned or paid into said Banks.

To which we answer as follows:—

FIRST RESOLUTION.—The account current of the principal Bank and office at Louisville, with the Treasurer of the United States, (hereto annexed, marked No. 1, and No. 2,) with the remarks contained in said accounts,

will furnish the information desired by the first resolution, except as to the means by which the Bank was enabled to make the payments. On that subject this Committee would state: that the monies of the United States, on deposit, entered into the general business of the Bank; part might be considered as vested in exchange, part in loans, and a part remaining on deposits; and from the payment by debtors of the bills of exchange and loans, and from funds on hand, the Bank was enabled to meet the calls on it.

ANSWER TO SECOND RESOLUTION.—The Bank sold ninety four thousand dollars of those bonds to the Secretary of the Treasury, at par, and one thousand dollars to the Secretary of War for nine hundred and eighty dollars; and the payments were made principally in eastern funds, then worth one per cent. premium, which produced a profit to the Bank of \$920, over the par of the stock sold.

ANSWER TO THIRD RESOLUTION.—The Committee are unable to say whether all the public money, on deposit, had or had not been invested in loans, or exchange, before 15th of May, 1837, as the deposits were not kept separate or apart from the other funds of the Bank, but mingled in general deposit. A part of the moneys might be considered as invested in loans and bills of exchange, some of which no doubt remain unpaid to this day.

M. T. SCOTT, *Cashier.*

JN. TILFORD, <i>Pres't.</i>	} <i>Com. of Nor. Bank Ky.</i>
JOHN BRANE,	
M. C. JOHNSON,	
R. WICKLIFFE, JR.	

1836		1836		1836		1837
August 22, -	To cash for pension fund, -	5,000 00	August 3, -	By cash, in notes of the Banks of Kentucky paid thro' this office at Louisville, -	100,000 00	
October 10, -	To cash paid J. M. McCalla, -	3,000 00				
October 17, -	To cash paid Thos. B. Monroe, -	375 00	August 6, -	By cash, in notes of the Banks of Kentucky paid thro' this office at Louisville, -	100,000 00	
November 1, -	To cash paid J. M. McCalla, -	50 00				
November 1, -	To cash paid L. Sanders, Jr. -	50 00				
1837						
January 24, -	To cash paid J. M. McCalla, -	50 00	August 12,	By cash, in notes of the Banks of Kentucky paid thro' this office at Louisville, -	100,000 00	
January 25, -	To cash paid Thos. B. Monroe, -	375 00				
January 26, -	To cash paid L. Sanders, Jr. -	50 00	August 12,	By cash, in notes of the Banks of Kentucky paid thro' this office at Louisville, -	1,350 69	
February 27, -	To cash for pension fund, -	30,500 00				
March 29, -	To cash for pension fund, -	10,000 00				
April 19, -	To cash paid Thos. B. Monroe, -	375 00	1837			
April 21, -	To cash paid J. M. McCalla, -	50 00	February 11,	By cash of C. C. Randall, -	30 00	
April 25, -	To cash paid L. Sanders, Jr. -	50 00	March 7, -	By cash of J. M. McCalla, master, shall Kentucky district, -	1,000 00	
May 4, -	To cash paid A. D. Stewart, paymaster Ky. Sabine volun., -	60,000 00		By interest on public deposits, -	3,082 03	
May 23, -	To cash paid L. H. West, -	80 00	March 29, -	By interest on public deposits, -	3,957 10	
June 14, -	To cash paid State of Ky. (on account of surplus revenue, -	100,000 00	June 30, -	By cash of A. D. Stewart, paymaster, &c. -	15,000 00	
	To cash for pension fund, -	11,000 00	Sept. 20, -			
June 19, -	To cash for pension fund, -	10,780 00				
June 19, -	To cash for pension fund, -	12,480 00				
June 19, -	To cash for pension fund, -	13,000 00				

July 17,	-	To cash for Thos. B. Monroe,	375 00	-	-
July 19,	-	To cash for Mrs. A. Davis,	240 00	-	-
July 21,	-	To cash for J. M. McCalla,	50 00	-	-
July 24,	-	To cash for L. Sanders, Jr.	50 00	-	-
August 29,	-	To cash for pension fund,	60,000 00	-	-
November 20,	-	To cash, Cashier N. B'k Ky.	980 00	-	-
December 4,	-	To cash for pension fund,	2,459 82	-	-
December 9,	-	To cash paid J. M. McCalla,	3,000 00	-	-
			\$324,419 82	\$324,419 82	

Treasurer of the United States in account at Louisville Branch Northern Bank of Kentucky.

Dr.

Cr.

1836 August 30, -	To balance, -	- - - - -	\$350,000 00	1836 August 30, -	By B. F. Mims, cashier; payment of transfer draft N. 1, 416, on branch State Bank of Indiana, Indianapolis, in our favor, payable 31st inst. [Transfer draft No. 1416 paid to us in notes of the Kentucky and Cincinnati banks, with \$2,811 on St. Louis.]	\$150,000 00
		- - - - -		August 30, -	By Louisville Savings Institute, payment of transfer draft No. 1433 on them; due 1st September, 1836, - - -	100,000 00
		- - - - -			[Payment of transfer draft No. 1433 and 1434 received in checks on New Orleans for about \$50,000; specie, \$12,000, and balance in notes of the different banks received at our counter.]	
		- - - - -		August 30, -	By payment of transfer draft No. 1434 on them, payable 20th September, 1836, -	100,000 00
		- - - - -	\$350,000 00			\$350,000 00

No. 2—Continued.

1836		\$554,777 78	1836		\$554,777 78
Sep. 26,	To balance, -	-	Aug. 30, Sept. 16,	By balance, - - - - - By office State Bank Indiana, at New Albany, in payment of transfer draft No. 1486, payable to this office, 20th inst., viz:—In silver, - - - - - In notes, - - - - - J. R. Shields, cashier, ck. on Bank of Louisville, - - - - - Do. Bank of Kentucky, - - - - - Do. on this office, - - - - - [Payment of transfer draft No. 1486, for \$100,000, received as specified in entry.] By receipt for transfer draft No. 1444 on Branch State Bank Indiana, Indianapolis, fav. this office, due this day, - - - - - [Payment of transfer draft No. 1444 received in bank notes and checks on city banks.] By deposit by D. J. Baker, U. S. Attorney for Illinois, on account of monies collected by him, as trustee from Bank of Illinois, at Shawneetown, - - - - - [Bank notes.]	\$50,000 00 6,000 00 30,000 00 11,325 00 2,675 00 100,000 00 4,777 78
	-	\$554,777 78			\$554,777 78

1836 Oct. 21,	To cash paid Bank Kentucky, J. Campbell's transfer draft, No. 1652, on this office, payable 1st Nov., - - - [Paid by check of this office in the Bank of Kentucky.]	1836 Sept. 26, Oct. 1,	By balance, - - - - - By Branch State Bank Indiana, at N. Albany, in payment of transfer draft No. 1487, due this day, - - - [Paid in check on N. York, \$15,000; balance bank notes of its branches.] By Louisville Savings Institution, in payment of transfer draft No. 1435, due this day, - - - [\$10,000 in specie; balance in Kentucky and Cincinnati bank notes.] By Louisville Savings Institution, in payment of transfer draft No. 1436, due this office 20th Nov. 1836, - - [Paid in notes of Kentucky banks.]	\$554,777 78 100,000 00 100,000 00 100,000 00 \$854,777 78
Oct. 27,	To same, J. M. Campbell, treasurer's transfer draft No. 1653, due 1st December, 1836, - - - [Paid in bank notes.]	Oct. 14,	By balance, - - - - - By J. G. Read, Receiver at Jeffersonville, Ia.—In gold, - - - Silver, - - - Bank notes, - - - By transfer draft No. 1568, paid by Br. State Bank of Indiana, at Indianapolis, [Payment of transfer draft No. 1568 received in—\$45,000 specie; \$10,000 check on N. York; balance in bank notes of Kentucky banks.]	\$100,000 00 100,000 00 654,777 78 \$854,777 78
Oct. 27,	To balance, - - - - -	Oct. 27, Nov. 1,	By balance, - - - - - By J. G. Read, Receiver at Jeffersonville, Ia.—In gold, - - - Silver, - - - Bank notes, - - - By transfer draft No. 1568, paid by Br. State Bank of Indiana, at Indianapolis, [Payment of transfer draft No. 1568 received in—\$45,000 specie; \$10,000 check on N. York; balance in bank notes of Kentucky banks.]	\$654,777 78 143 43 12,452 92 13,700 00 80,000 00 \$761,074 13
Nov. 22,	To balance, - - - - -	Nov. 22,	By balance, - - - - - By J. G. Read, Receiver at Jeffersonville, Ia.—In gold, - - - Silver, - - - Bank notes, - - - By transfer draft No. 1568, paid by Br. State Bank of Indiana, at Indianapolis, [Payment of transfer draft No. 1568 received in—\$45,000 specie; \$10,000 check on N. York; balance in bank notes of Kentucky banks.]	\$654,777 78 143 43 12,452 92 13,700 00 80,000 00 \$761,074 13

1836		1837
Dec. 21,	To Bank Kentucky, for transfer draft No. 1654, on this office, due and payable 1st of January, 1837, - - - [Paid in Bank of Kentucky notes.]	\$761,074 13
Dec. 23,	To balance, - - -	200,000 00
		14,890 00
		16,073 90
		659 64
		150,000 00
		190,000 00
		1,332,697 67

1837 Jan. 5,	To Bank of Kentucky, transfer draft No. 1655, due 1st February, - [Paid in Bank of Louisville and Bank of Kentucky notes.]	\$100,000 00	1836 Dec. 23, 1837 Jan. 10,	By balance, - - - - - By Branch State Bank of Indiana, Indianapolis, for payment transfer draft No. 1585, due this day, - - - - - [Check on N. York, \$10,000; Kentucky Bank notes, \$182,000; New Albany, \$4,000; Cincinnati, \$4,000.]	\$1,232,697 67 200,000 00
Jan. 21,	To transfer draft No. 27, fav. Treasurer of the State of Kentucky—paid Treasurer of said State by placing the amount to his credit, -	320,000 00			
Jan. 31,	To treasury warrant No. 4133, to Lewis Randolph, late Secretary Arkansas Territory, - - - - - [Paid in bank notes and specie.]	431 15			
Jan. 31,	Balance, - - - - -	1,012,266 52			
		1,432,697 67			1,432,697 67
Feb. 10,	To transfer draft No. 1788, favor of Bank of Kentucky, due 15th instant, [Bank of Kentucky notes.]	100,000 00	1837 Jan. 31, Feb. 1,	By balance, - - - - - By transfer draft No. 1627, on Commercial Bank, Cincinnati, due 1st January and extended to 1st February, by order of Treasurer, - - - - - [By checks on Bank of Kentucky, Bank of Louisville, and balance in Kentucky bank notes.]	1,012,266 52 190,000 00
Feb. 10,	Balance, - - - - -	11,022,266 52			
		1,202,266 52			1,202,266 52

1837 Mar. 1,	To transfer draft No. 1656, fav. Bank of Kentucky, - - - - -	\$100,000 00	1837 Feb. 10, Mar. 1,	By balance, - - - - - By J. G. Read, Receiver, at Jeffersonville, Indiana— In gold, - - - - - In silver, - - - - -	\$1,102,266 52 1,233 15 38,104 85
Mar. 2,	To treasury warrant No. 159, to Trustees Marine Hospital, Cumberland, Ky., - - - - -	351 50	Mar. 31,	By J. G. Read, Receiver, at Jeffersonville, Indiana— In silver, - - - - - In gold, - - - - -	34,273 94 960 49
Mar. 15,	[Bank notes and specie.] To transfer draft No. 1789, favor of Bank of Kentucky, due this day, -	50,000 00			
Mar. 31,	[Paid in Bank of Kentucky notes.] To transfer draft No. 133, to State of Kentucky—this day passed to the credit of the Treasurer of same, -	320,000 00			
	[Afterwards transferred to Bank of Kentucky, and paid; together with a further balance—silver, \$100,000; gold, \$50,000; State bonds, \$250,000.—(See general settlement with Bank of Kentucky, Aug. 18, 1837.) In our settlement with the Branch of the Bank of Kentucky, at Frankfort, we paid \$135,000 by check on Bank of Louisville, and \$49,000 in our own notes.]				
Mar. 31,	Balance carried forward, - - - - -	706,487 45			
		<u>1,176,838 95</u>			<u>\$1,176,838 95</u>

1837 April 14,	To transfer draft No. 1787, fav. Bank Bank of Kentucky, - - - - -	100,000 00	1837 Mar. 31,	By balance, - - - - -	\$706,487 45
April 19,	[Bank notes.] To transfer draft No. 1922, favor of the Planters' Bank of Tennessee, due July 24, 1837, - - - - -	100,000 00		- - - - -	
April 19,	[Paid by check on New York.] To ditto, for ditto, No. 1920, due June 24, 1837, - - - - -	100,000 00		- - - - -	
April 30,	[Paid by check on New York.] To Balance, - - - - -	406,487 45		- - - - -	
		<u>\$706,487 45</u>		- - - - -	<u>\$706,487 45</u>
1837 May 13,	To transfer draft No. 6424, fav. Capt. Brown, - - - - -	21,000 00	1837 April 30, May, 1,	By balance, - - - - - By J. G. Read, Receiver, at Jef- fersonville, Indiana—	\$406,487 45
May 13,	[Paid in specie.] To balance, - - - - -	405,372 45		In gold, - - - - - In silver, - - - - -	807 91 19,077 09
		<u>\$426,372 45</u>		- - - - -	<u>\$426,372 45</u>

June 15,	To State transfer draft No. 252, paid Treasurer State of Kentucky, - [Transferred to Bank Kentucky—(see entry March 31.)]	100,000 00	May 13,	By balance, - - - -	405,372 45
June 19,	To treasury warrant No. 6, Henry Hollingsworth, - - - -	141 00		- - - -	
June 19,	Balance, - - - -	305,231 45		- - - -	405,372 45
July 17,	To transfer draft No. 1943, favor of Bank of Virginia, due 1st July, - [Paid by Northern Bank.]	100,000 00	June 19,	By balance, - - - -	305,231 45
July 17,	To transfer draft No. 1983, favor of same, - - - -	100,000 00	-	[In notes of Bank U. States, Bks. in Virginia, checks on Banks Metropolis, and on Banks in New York.]	
July 17,	Balance, - - - -	105,231 45			
		305,231 45			305,231 45
Dec. 4,	To warrant No. 3065, favor of H. M. Shreve, - - - -	5,000 00	July 17,	By balance, - - - -	105,231 45
Dec. 6,	[U. S. Bank notes, \$3,000; Kentuc- ky bank notes, \$2,000.]		Aug. 31,	By balance, - - - -	same
Dec. 31,	To warrant No. 2995, favor of John Tilford, Pension Agent, - - - -	67,540 18	Sep. 30,	By balance, - - - -	same
	Balance, - - - -	32,691 27	Oct. 31,	By balance, - - - -	same
		105,231 45	Nov. 30,	By balance, - - - -	same
					105,231 45

1838 Jan. 4,	To warrant No. 3065, favor of Ver- plank Van Antwerp, - - - [Gold, \$2,000; U. States Bank notes, \$1,000; Kentucky notes, \$2,000.] To warrant No. 3112, favor of H. M. Shreve—(our own notes)— - - Balance, - - -	5,000 00 10,120 00 17,571 27 32,691 27	1837 Dec. 31,	By balance, - - -	- - - - - - - - - - - - - - -	32,691 27
Feb. 14, Feb. 27, Feb. 27,	To warrant 3218, favor of Wm. Mc- Knight, Superintendent, - - - To warrant No. 3248, favor of E. R. Long, - - - [Bank notes, Ky.] - - - Balance, - - -	14,000 00 200 00 3,371 27 17,571 27	1838 Jan. 18,	By balance, - - -	- - - - - - - - - - - - - - -	17,571 27
Mar. 30, Mar. 30,	To warrant No. 3333, favor Louisville Savings Institution, - - - [Specie.] - - - To balance, - - -	2,780 77 590 50 3,371 27	Feb. 27,	By balance, - - -	- - - - - - - - - - - - - - -	3,371 27

1838 April 10,	To warrant No. 2035, favor of Trustees Cumberland Hospital, - - [U. States Bank notes and specie]	590 50 <hr/> 590 50	1838 Mar. 30,	By balance, - - - -	590 50 <hr/> 590 50
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LOUISVILLE, December 26, 1838.

F. X. WHITE, *Gen'l Bk'r.*

BANK OF LOUISVILLE.

ANSWERS to the Questions propounded by the Joint Committee of the Senate and House of Representatives of Kentucky on Banks:

QUESTION 1.—Has the Bank of Louisville complied with the second and third sections of the act, approved the 16th February, 1838, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?

ANSWER.—Yes, so far as relates to this Bank.

QUESTION 2.—Will the reports of the Bank of Louisville to the Secretary of State exhibit the true condition of said Bank at the close of each month, from the 1st January, 1838, to the 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

ANSWER.—They will.

QUESTION 3.—Has the business of the Bank of Louisville been transacted on good and safe security?

ANSWER.—Yes, to the best of our judgment.

QUESTION 4.—What amount of bad debt have you made since you went into operation, and what amount of bad debt has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—No bad debts to our knowledge have been made, therefore, none have been carried to the debit of profit and loss account. Other amounts usually carried to that account, are the expenses of the Bank, semi-annually, premium of Bills of Exchange, and discount on notes, and surpluses and deficiencies in the cash, which sometimes occurs in small amounts, and when the errors, by which they arise, cannot be traced. A transcript of the profit and loss account will be furnished, if required.

QUESTION 5.—What amount of debt due your Bank are considered doubtful?

ANSWER.—In relation to the doubtful debts of the Bank, it is difficult to say—the Board would reluctantly consider any doubtful, but in order to meet the question, they believe \$20,000 a large estimate, but will state it at that, in order to not be under the mark.

QUESTION 6.—Has the deferred debt in the Bank of Louisville been reduced in accordance with the terms on which they were deferred?

ANSWER.—Yes, but with very few exceptions.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

ANSWER.—The net profits on exchange have been greater than on notes, but, we think, one per cent., in proportion to the amount invested.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—We think there is not greater punctuality in paying Bills of Exchange than notes discounted; much puuctuality has been observed in both, with the exception of bills in the difficult times of 1837. Bills are more available because the Board is not liable to be called on to aid in payment—on notes they frequently are.

QUESTION 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

ANSWER.—We have no recollection of any case of refusing to discount a note, with a view to getting a Bill of Exchange from the same parties, but the Bank has frequently preferred exchange, both as it regarded profit and a proper division of its means between notes discounted and Bills of Exchange; and the Board would prefer at this time a larger proportion of Bills of Exchange than they have. Towards Bills of Exchange, not founded on actual business, or not fortified by undoubted names, no encouragement, whatever, is shown; with undoubted names a note is as readily discounted as a Bill of Exchange, unless the discount line is disproportionably large.

QUESTION 10.—Has the Bank purchased Bills of Exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

ANSWER.—Never.

QUESTION 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—The Bank has always calculated interest on the principal of Rowlett's Tables of Interest, as authorized by the chdrtter, which is one per cent. for sixty days.

QUESTION 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank?

ANSWER.—Never.

QNESTION 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

ANSWER.—Because it is in accordance with the Board's view of its value. It must be obvious that when bills are collected at a point not immediately available at par, the $\frac{1}{2}$ of 1 p.c. exchange is a small equivalent. In some cases they are not available for months, there being no demand for checks on those points, and because Exchange is in favor of Louisville from every point in the State.

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

ANSWER.—We have not for more than eighteen months purchased exchange on the South, except on New Orleans. We have charged but 2 per cent. since it was reasonably certain that the New Orleans Banks would resume payments in specie on 1st January, 1839: before this was reasonably certain, we charged from 3 to 5 per cent., and these we do not consider high: 1st. Because we expected to resume, and did resume, before the N.

Orleans Bank were ready to resume. 2d. Because the rate of exchange between New Orleans and N. York was high. 3d. Because the domestic exchanges of the whole Union were very much deranged. 4th. Because of the uncertainty as to the time when we could hope to realize, in par funds, at Louisville, the amounts invested in such bills. 5th. Because New Orleans Bank notes were selling in this market at from 6 to 10 per cent. discount, and we could get nothing but those notes at New Orleans for collections there, without submitting to the current exchanges of New Orleans, to procure bills on other places. 6th. Because, considering the hazard and delay, the Board believed it was worth as much as they charged for making those negotiations.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—In no case, whatever, where the Board were equally well acquainted with the responsibility and punctuality of the applicants.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

ANSWER.—The aggregate amount of loans, on notes discounted, to citizens of Louisville, up to the 31st instant, is \$928,000; to those out of Louisville, of other counties in the State, \$130,000; on Bills of Exchange, to citizens of Louisville, \$264,000; out of Louisville, about \$80,000.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank, and if so, say how long the vacancy was suffered to exist, and why?

ANSWER.—No.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—Yes.

QUESTION 19.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—Yes, to the best of our knowledge and belief.

JNO. S. SNEAD, *President.*

ALFRED THRUSTON, *Cash.*

VIRGIL McKNIGHT, } *Com. of*

ED'WD CROW, } *Directors.*

COMMONWEALTH OF KENTUCKY, }
Jefferson county, } s. s.

Personally appeared before me, a notary public for Jefferson county, duly qualified and sworn, John S. Snead, Virgil McKnight, Alfred Thruston and Edward Crow, made oath that the answers hereto prefixed are just and true. In testimony whereof, I have subscribed my name, and affixed my seal of office, this 31st day of December, 1838.

JOHN P. MILLER, *N. P.*

NOTE.—To question 20th, the information called for, by the resolution of 23d February, 1837, is embraced in answer to questions of the committee, and in semi-annual statements of the Bank required to be made to the Secretary of State.

A. THRUSTON, *Cash.*

A STATEMENT, showing the Resources and Liabilities of the Bank of Louisville, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.

RESOURCES.

1838	Bills discounted.	Bills of exchange.	City loans.
January, - -	843,945 71	135,701 70	80,000 00
February, - -	922,073 89	120,612 39	80,000 00
March, - -	1,072,800 53	101,527 90	80,000 00
April, - -	1,103,435 37	115,336 71	80,000 00
May, - -	1,138,613 26	141,084 58	80,000 00
June, - -	1,109,556 57	139,607 02	80,000 00
July, - -	1,069,763 34	137,452 56	80,000 00
August, - -	1,066,663 22	150,722 52	80,000 00
September, - -	1,062,202 57	172,611 54	80,000 00
October, - -	1,067,714 06	208,381 56	80,000 00
November, - -	1,096,022 66	292,745 31	80,000 00
December, - -	1,058,340 78	344,531 15	80,000 00

1838.	Bank checks.	Due from other banks.	Real estate.
January, - -	17,240 90	66,404 41	45,116 99
February, - -	24,853 94	63,013 76	45,134 99
March, - -	32,775 90	46,684 19	45,149 99
April, - -	31,875 90	51,343 92	45,945 93
May, - -	25,175 90	71,932 21	45,945 93
June, - -	25,175 90	110,719 16	45,945 93
July, - -	29,911 71	111,214 66	45,945 93
August, - -	15,170 81	119,506 26	45,945 93
September, - -	15,527 00	68,946 73	45,945 93
October, - -	14,777 00	72,296 36	45,945 93
November, - -	14,907 00	55,353 32	45,945 93
December, - -	13,661 90	54,578 61	45,945 93

STATEMENT OF BANK OF LOUISVILLE—Continued.

RESOURCES.

1838.	Expense acc't.	Notes of other Banks.	Specie on hand.
January, - -	5,293 51	9,445 96	152,918 23
February, - -	5,956 41	41,285 00	153,308 45
March, - -	5,946 70	106,859 10	152,740 23
April, - -	6,967 00	77,186 89	152,145 92
May, - -	8,258 40	84,865 50	153,251 09
June, - -	8,232 95	67,790 70	155,761 46
July, - -	258 32	84,477 00	155,647 44
August, - -	2,377 82	46,275 00	156,005 09
September, - -	2,402 23	82,560 78	151,078 42
October, - -	3,369 39	91,706 73	148,756 40
November, - -	4,487 45	85,953 08	145,043 23
December, - -	4,551 72	79,415 18	142,946 61

1838.						Total.
January, - - - -	-	-	-	-	-	1,356,067 41
February, - - - -	-	-	-	-	-	1,456,238 83
March, - - - -	-	-	-	-	-	1,644,484 54
April, - - - -	-	-	-	-	-	1,664,237 64
May, - - - -	-	-	-	-	-	1,749,126 87
June, - - - -	-	-	-	-	-	1,742,789 69
July, - - - -	-	-	-	-	-	1,714,670 96
August, - - - -	-	-	-	-	-	1,682,666 65
September, - - - -	-	-	-	-	-	1,681,275 20
October, - - - -	-	-	-	-	-	1,732,947 43
November, - - - -	-	-	-	-	-	1,820,457 98
December, - - - -	-	-	-	-	-	1,823,971 88

STATEMENT OF BANK OF LOUISVILLE—Continued.

LIABILITIES.

1838	Capital stock.	Due to other Banks.	Surplus fund.
January, - -	1,150,000 00	68,196 74	23,000 00
February, - -	1,150,000 00	63,655 08	23,000 00
March, - -	1,150,000 00	66,773 16	23,000 00
April, - -	1,150,000 00	42,888 34	23,000 00
May, - -	1,150,000 00	35,023 40	23,000 00
June, - -	1,150,000 00	21,396 93	23,000 00
July, - -	1,150,000 00	18,514 67	23,000 00
August, - -	1,150,000 00	31,776 80	23,000 00
September, - -	1,150,000 00	28,530 62	23,000 00
October, - -	1,150,000 00	37,084 04	23,000 00
November, - -	1,150,000 00	35,410 60	23,000 00
December, - -	1,150,000 00	32,975 73	23,000 00
1838.	Profit and loss.	Discounts and premiums.	Dividends unclaimed.
January, - -	3,828 13	5,555 11	1,324 00
February, - -	3,828 13	27,363 58	1,249 00
March, - -	3,828 13	51,622 36	1,249 00
April, - -	3,828 13	57,675 77	1,219 00
May, - -	3,828 13	66,696 98	1,219 00
June, - -	3,828 13	75,127 88	1,219 00
July, - -	10,059 97	6,312 07	52,039 00
August, - -	10,059 97	11,472 60	23,944 00
September, - -	10,059 97	18,594 37	3,554 00
October, - -	10,059 97	25,608 23	1,474 00
November, - -	10,059 97	35,955 80	1,349 00
December, - -	10,059 97	43,124 12	1,349 00
1838	Circulation.	Individual depositors.	Treasurer of Ky.
January, - -	75,790 00	28,373 43	
February, - -	97,000 00	90,143 04	
March, - -	234,250 00	113,761 89	
April, - -	249,518 00	136,108 40	
May, - -	327,635 00	116,925 19	24,799 17
June, - -	368,209 00	99,639 58	369 17
July, - -	372,822 00	75,804 08	6,119 17
August, - -	336,519 00	89,775 11	6,119 17
September, - -	334,610 00	106,807 07	369 17
October, - -	391,389 00	93,963 02	369 17
November, - -	465,667 00	98,646 44	369 17
December, - -	468,514 00	94,579 89	369 17

STATEMENT OF BANK OF LOUISVILLE—Continued.

LIABILITIES.

1838					Commissioners Sinking Fund.	Total.
January,	-	-	-	-	-	1,356,067 41
February,	-	-	-	-	-	1,456,238 83
March,	-	-	-	-	-	1,644,484 54
April,	-	-	-	-	-	1,664,237 64
May,	-	-	-	-	-	1,749,126 87
June,	-	-	-	-	-	1,742,789 69
July,	-	-	-	-	-	1,714,670 96
August,	-	-	-	-	-	1,682,666 65
September,	-	-	-	-	5,750 00	1,681,275 20
October,	-	-	-	-	-	1,732,947 43
November,	-	-	-	-	-	1,820,457 98
December,	-	-	-	-	-	1,823,971 88

LOUISVILLE SAVINGS INSTITUTION.

LOUISVILLE SAVINGS INSTITUTION, }
December 22, 1838. }

The following answers are given to the interrogatories propounded to the officers of this Institution by the Committee of the Senate and House of Representatives of the Commonwealth of Kentucky:

QUESTION 1.—Has your Institution complied with the second and third sections of the act, approved the 16th February, 1838, “entitled, an act dispensing with quarterly, and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?”

ANSWER.—We believe the law has been complied with since the Institution received advice of its passage.

QUESTION 2.—Will the reports of your Institution, to the Secretary of State, exhibit the true condition of the Institution at the close of each month, from the 1st of January, 1838, to 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

ANSWER.—Yes.

QUESTION 3.—Has the business of your Institution been conducted on good and safe securities?

ANSWER.—Yes.

QUESTION 4.—What amount of bad debts have you made since your Institution went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—The amount carried to the debit of profit and loss account since the Institution commenced business, is \$2,980 32, independent of the expenses of the Institution, the amount paid for interest on special deposits, and the amount of the contingent fund.

QUESTION 5.—What amount of debts due your Institution are considered doubtful?

ANSWER.—Thirty five dollars.

QUESTION 6.—Has the deferred debt in your Institution been reduced in accordance with the terms on which they were deferred?

ANSWER.—The Institution has no deferred debt, unless the debts on accommodation notes are so considered. These, when not paid at maturity, have been reduced from ten to twenty five per cent. on every renewal.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, say how much, or what per cent., and if not, then say why it has been employed in exchange?

ANSWER.—It has yielded more. The exact difference it would be difficult to ascertain. A portion of the means of the Institution is employed in exchange, to give greater facility to trade; and because this manner of employment, affords a more punctual return of the money invested, as Bills of Exchange are not, like accommodation and other notes, expected to be renewed, or paid by instalments.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—Yes.

QUESTION 9.—Has the Institution when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—No.

QUESTION 10.—Has the Institution purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were not to be sent for collection, but to be retained and paid at the Institution at maturity?

ANSWER.—No.

QUESTION 11.—Has the Institution ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—No.

QUESTION 12.—Has the Institution discounted notes or Bills of Exchange, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank of Kentucky?

ANSWER.—The Institution has sometimes paid the proceeds of discounted notes and bills in Kentucky, Cincinnati, Indiana, and Illinois Bank notes, indiscriminately—sometimes specially, when these several descriptions of Bank notes were received in payment of debts, and on deposit at par.

QUESTION.—Why has your Bank charged one half of one per cent. exchange between different places in your State?

ANSWER.—To cover the expenses of collection, and the loss of interest after payment, until the amount can be returned and made available?

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans, and other places in the South?

ANSWER.—This Institution, after the suspension in 1837, declined, until recently, the purchase of bills on the South, owing to the great depreciation of the southern currency. At present the rate of exchange on New Orleans is about the same it was before the general suspension of specie payments in 1837.

QUESTION 15.—Has your Bank extended accommodations to citizens of your city and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER.—No.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Louisville and of Jefferson county, and the aggregate amount to citizens of other counties separately?

ANSWER.—Not conveniently. To the management of the Institution, such an exhibit would be useless; and as it was not anticipated that occasion might ever arise to make it necessary, the books were kept without any view to it. We think, however, that the amount loaned to persons residing out of the city is about one tenth or one twelfth part of the entire loans of the Institution.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank; and if so, say why?

ANSWER.—No.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—Yes.

QUESTION 19.—Have you any suspended debt, and what amount, and has it been promptly and carefully attended to by your officers?

ANSWER.—The Institution has a suspended debt of thirty five dollars, which is in suit for collection.

QUESTION 20.—We call your attention to the questions stated in the resolution of the Legislature, February, 1836-'7, and your answers thereto may be referred to by you as the answers to some of the foregoing questions?

ANSWER.—The following statements furnish all the information, (required by the resolution referred to,) not embraced in the answers to the foregoing questions:

The stock of the Institution is owned by 138 individuals, and two incorporated companies.

During the present year, the Institution has declared two dividends—one of six per cent. on the first Monday of January, and the other of five per cent. on the first Monday in July.

The amount of discounted Bills of Exchange returned protested during the present year, is \$9,432 89, all of which were taken up immediately on their return.

Classification of notes, at present under discount, in the Institution :

60	are	\$100 and less;		
289	are from	100	to	\$500
44	are from	500	to	1,000
6	are from	1,000	to	1,500
2	are from	1,500	to	2,000
3	are from	2,000	to	2,500
2	are from	2,500	to	3,000
1	are from	3,000	to	3,500
<hr/>				
Total,	407			

G. W. MERIWETHER, *Prest.*
JONAS H. ROHRER, *Treas.*

TABLE showing the condition of the Louisville Savings Institution, at the end of each month, from 1st January, 1838, to December 25, 1838, taken from the weekly statements of the Institution nearest the end of each month.

RESOURCES.

1838	Bills discounted.	Bills of exchange.	Suspended debt.
January, - -	145,221 67	40,461 22	150 00
February, - -	151,995 15	48,806 64	150 00
March, - -	147,888 23	51,524 49	150 00
April, - -	137,286 40	51,345 35	150 00
May, - -	138,327 34	48,144 04	150 00
June, - -	139,954 23	51,389 67	150 00
July, - -	141,946 69	54,736 32	150 00
August, - -	147,479 28	49,824 34	150 00
September, - -	140,290 85	52,893 73	150 00
October, - -	131,653 29	74,917 09	50 00
November, - -	134,022 00	85,721 48	35 00
December, - -	129,957 03	80,682 02	35 00

LOUISVILLE SAVINGS INSTITUTION—Continued.

RESOURCES.

1838.	Int. on deposit. and expenses.	Real estate.	Due from Banks.
January, - -	89 88	10,000 00	37,091 49
February, - -	416 23	10,000 00	36,148 69
March, - -	509 13	10,000 00	20,979 31
April, - -	1,081 93	10,000 00	36,613 45
May, - -	1,766 99	10,000 00	34,225 87
June, - -	1,846 93	10,000 00	23,120 58
July, - -	423 65	10,000 00	83,077 37
August, - -	1,345 45	10,000 00	59,362 13
September, - -	1,505 15	10,000 00	56,014 20
October, - -	2,353 55	10,000 00	50,998 26
November, - -	2,463 68	10,000 00	43,254 34
December, - -	2,627 46	10,000 00	46,648 12

1838	Due from super- intendents on riv.	Cash in transitu.	Specie.
January, - -	2,412 55	4,981 01	151,343 59
February, - -	1,326 57	4,981 01	145,284 03
March, - -	6,326 57	-	159,018 42
April, - -	6,326 57	-	169,805 12
May, - -	17,620 07	-	203,547 09
June, - -	48 00	-	250,636 32
July, - -	48 00	-	177,599 65
August, - -	93 50	-	26,450 79
September, - -	41 00	-	36,130 60
October, - -	41 00	-	57,961 82
November, - -	41 00	-	74,889 58
December, - -	41 00	-	129,108 49

1838	Bank notes and Treasury notes.	Total.
January, - - - -	27,335 00	419,086 41
February, - - - -	16,785 00	415,893 32
March, - - - -	69,380 00	465,776 15
April, - - - -	100,200 00	512,808 82
May, - - - -	55,408 00	509,189 40
June, - - - -	36,900 00	514,045 73
July, - - - -	32,760 00	500,741 68
August, - - - -	61,400 00	356,105 49
September, - - - -	55,575 00	352,600 53
October, - - - -	78,950 00	406,925 01
November, - - - -	75,000 00	425,427 08
December, - - - -	162,100 00	561,199 12

LOUISVILLE SAVINGS INSTITUTION—Continued.

LIABILITIES.

1838	Capital st'k.	Contingent fund.	Deposits at 4 per ct. int'st.	Individual deposits.
January, - -	104,736	15,709 40	32,827 93	113,906 62
February, - -	104,736	15,709 40	32,217 93	116,039 40
March, - - -	104,776	15,715 40	31,442 93	143,350 98
April, - - -	104,812	15,720 80	45,562 93	140,247 52
May, - - -	104,812	15,720 80	44,822 97	164,504 85
June, - - -	104,882	15,731 39	42,720 47	165,413 59
July, - - -	104,904	15,734 60	42,160 72	149,971 24
August, - - -	104,940	15,740 00	39,222 13	136,898 86
September, - -	104,940	15,740 00	44,292 13	73,365 90
October, - - -	104,940	15,740 00	44,377 13	85,170 12
November, - -	104,940	15,740 00	41,663 13	93,558 72
December, - -	104,940	15,740 00	41,152 13	86,482 82

1838	Other deposits.	Profit & loss, and dis. exc. & in'st.	Unclaimed dividends.
January, - -	5,444 00	2,958 19	1,902 79
February, - -	5,710 50	4,542 38	843 67
March, - - -	710 50	6,035 83	560 73
April, - - -	1,644 00	7,284 95	398 13
May, - - -	3,281 75	11,019 62	398 13
June, - - -	4,281 75	12,216 80	292 01
July, - - -	4,115 75	6,683 79	2,169 91
August, - - -	1,069 75	8,690 47	984 21
September, - -	932 00	9,724 00	785 91
October, - - -	4,332 00	11,190 91	749 41
November, - -	527 79	12,630 42	720 11
December, - -	527 79	14,013 23	658 71

1838	Treasurer U. S. & public offic'rs.	Due to Banks.	Total.
January, - -	116,968 94	24,632 54	4198,06 41
February, - -	120,497 16	15,596 88	415,893 32
March, - - -	97,839 52	65,344 26	465,776 15
April, - - -	149,605 10	47,533 39	512,808 82
May, - - -	135,436 24	29,193 04	509,189 40
June, - - -	138,358 59	30,149 22	514,045 73
July, - - -	160,499 72	14,501 95	500,741 68
August, - - -	29,451 91	19,108 16	356,105 49
September, - -	85,040 54	17,780 05	352,600 53
October, - - -	117,078 07	23,347 37	406,925 01
November, - -	132,297 06	23,349 85	425,427 08
December, - -	279,274 04	18,410 40	561,199 12

MECHANICS' SAVINGS INSTITUTION OF LOUISVILLE.

MECHANICS' SAVINGS INSTITUTION OF LOUISVILLE,
December 31, 1838. }

The officers of the Mechanics' Savings Institution of Louisville respectfully make the answers following, to the several questions submitted to them by the Honorable the Committee of the Senate and House of Representatives of Kentucky :

QUESTION 1.—Has the Louisville Mechanics' Institution complied with the 2d and 3d sections of the act, approved the 16th February, 1838, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?

ANSWER.—Monthly statements have been transmitted to the Secretary of State, though not regularly, under the impression that they would not be required until the meeting of the Legislature.

QUESTION 2.—Will the reports of your Bank to the Secretary of State exhibit the true condition of said Bank at the close of each month, from the 1st January, 1838, to the 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

ANSWER.—The returns, as made, do show, as we believe, the true condition of the Institution.

QUESTION 3.—Has the business of the Bank been transacted on good and safe security?

ANSWER.—Yes, we consider them entirely so.

QUESTION 4.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—It is believed that no bad debts have been made, none have been taken to account of profit and loss.

QUESTION 5.—What amount of debts due your Bank are considered doubtful?

ANSWER.—We do not consider any debt due to the Institution at all doubtful; in this, however, we may be mistaken; the notes due are generally small in amount, say from \$25 to \$300, very few over the latter sum, excepting stock notes and notes consolidated for renewal.

QUESTION 6.—Has the deferred debt in the Bank been reduced in accordance with the terms on which they were deferred?

ANSWER.—There are no deferred debts due to the Institution.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded

a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

ANSWER.—The Institution has done but little exchange business, not having, at any one time, an amount over \$20,000 on account of exchange, which has yielded a greater profit than by direct loan, what per cent. over, it is difficult to say with certainty.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—From the experience we have had, we are inclined to believe that bills of exchange are met fully as promptly, if not more so, than notes discounted; only *one* bill having ever been returned unpaid, and that promptly taken up.

QUESTION 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

ANSWER.—We know of no case of an individual being refused accommodation by regular discount, and afterwards accommodated by bill of exchange.

QUESTION 10.—Has the Bank purchased Bills of Exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

ANSWER.—No.

QUESTION 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—The Institution has charged interest only as is allowed by the 9th section of the act of its incorporation, according to the rules laid down in Rowlett's table of interest.

QUESTION 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank of Kentucky?

ANSWER.—No bank notes have been paid out on account of bills discounted, or for the purchase of bills of exchange, but such as were received on deposit and for the payment of debts, at par with the notes of the Bank of Kentucky.

QUESTION 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

ANSWER.—Because of the risk and expense of remittances, and of the and of the length of time that such funds are often not available.

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

ANSWER.—We have purchased no exchange upon New Orleans, or any other place in the south.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—The institution has made no such distinction.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to

citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

ANSWER.—Not more than half a dozen applications, if that, have ever been made to this Institution for loans, by persons residing out of the city.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank, and if so, say how long the vacancy was suffered to exist, and why?

ANSWER.—We remember of no vacancies having occurred.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER.—We have regularly counted the cash and examined the bonds of the officers.

QUESTION 19.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—It has.

QUESTION 20.—Your attention is called to the resolution of the Legislature of 1837, and your answers to that resolution, so far as they are a reply to the foregoing questions, may be referred to by you as your answer to that extent?

ANSWER.—In answer to this question, we make the following statement which, in addition to the foregoing, and our monthly reports, we believe to be all that is required by the resolution referred to. The stock of this Institution is owned by one hundred and forty eight persons, none but one of whom own over \$2,000 of stock. The Institution has declared four dividends since it went into operation, three of four per cent. and one of three per cent.

Classification of notes at present under discount in the Institution.

297	notes of	\$ 100, and under.
519	“ from	100 to 500.
15	“ from	500 to 1,000.
1	“ from	1,000 to 1,500.

832 notes due by 378 individuals as principals.

S. GWATHMEY, *Pres't.*

H. S. JULIAN, *Treasurer.*

JESSE CHRISTIE, *Secretary.*

TABLE showing the condition of the *Mechanics' Savings Institution of Louisville*, at the end of each month, from the 1st January, 1838, to the 1st January, 1839, taken from the weekly statements of the Institution nearest the end of each month.

				RESOURCES.			
DATE.				Bills discount- ed.	Bills of Ex- change.	Interest and expense ac- count.	
January,	-	-	-	133,475 70	-	614	30
February,	-	-	-	140,789 80	-	818	57
March, -	-	-	-	143,735 08	911 28	965	39
April, -	-	-	-	138,563 11	2,512 61	1,265	00
May, -	-	-	-	137,853 06	2,897 25	1,293	54
June, -	-	-	-	146,228 20	4,678 66	1,498	02
July, -	-	-	-	139,762 01	6,385 76	772	60
August, -	-	-	-	140,632 04	7,820 85	976	76
September,	-	-	-	145,254 99	8,226 92	1,163	46
October,	-	-	-	143,323 82	11,185 37	1,467	26
November,	-	-	-	144,088 60	15,251 12	1,854	36
December,	-	-	-	145,845 39	20,415 11	2,006	55

DATE.				Real estate.	Due from Banks.	Due from Tr City of Lou- isville.
January,	-	-	-	5,367 60	-	244 73
February,	-	-	-	5,367 60	-	415 13
March, -	-	-	-	5,367 60	738 90	
April, -	-	-	-	5,367 60	288 41	
May, -	-	-	-	5,367 60	163 41	1,308 83
June, -	-	-	-	5,507 35	-	2,422 14
July, -	-	-	-	5,507 25	610 00	163 56
August, -	-	-	-	5,607 35	609 55	692 16
September,	-	-	-	5,734 75	1,994 66	907 73
October,	-	-	-	10,555 91	2,415 99	702 38
November,	-	-	-	11,201 16	4,095 36	1,478 64
December,	-	-	-	12,148 96	5,513 09	1,137 41

MECHANICS' SAVINGS INSTITUTION—Continued.

RESOURCES.

DATE.	City of Louisville Sk'g Fund.	Bank notes and silver.	Total.
January, - - - -	-	27,589 08	167,291 41
February, - - - -	-	25,631 41	173,022 51
March, - - - -	-	20,073 92	171,792 17
April, - - - -	-	25,903 67	173,869 40
May, - - - -	-	23,473 58	172,357 27
June, - - - -	-	46,494 24	206,828 61
July, - - - -	-	25,056 61	178,257 89
August, - - - -	-	20,318 42	176,657 13
September, - - - -	194 53	29,259 08	192,736 12
October, - - - -	-	33,704 53	203,355 26
November, - - - -	-	26,580 01	204,549 25
December, - - - -	-	40,426 65	227,493 16

LIABILITIES.

DATE,	Capital Stock.	Special deposits at interest.	Individual transient deposits.	Wk'y dep's.
January, - - - -	82,850	8,762 68	42,244 23	914
February, - - - -	82,850	9,580 68	53,643 64	1,142
March, - - - -	82,850	13,787 68	44,194 67	1,344
April, - - - -	82,850	15,527 68	42,326 80	1,493
May, - - - -	82,850	14,574 68	47,938 12	1,637
June, - - - -	82,850	14,371 58	77,774 91	4,615
July, - - - -	88,200	14,571 58	45,830 18	875
August, - - - -	88,200	21,009 58	32,229 04	1,013
September, - - - -	88,200	22,271 58	45,470 48	1,168
October, - - - -	87,225	23,291 58	60,757 88	1,368
November, - - - -	87,825	22,154 00	49,975 32	1,642
December, - - - -	87,975	23,126 00	69,921 12	4,402

MECHANICS' SAVINGS INSTITUTION—Continued.

LIABILITIES.

DATE.	Discounts and Premiums.	Due to Banks.	Due T'r C'y of Louisville.
January, - - - -	1,349 87	29,557 12	1,529 14 883 48
February, - - - -	1,902 67	22,531 51	
March, - - - -	2,623 43	24,146 74	
April, - - - -	2,919 60	26,787 33	
May, - - - -	4,207 03	20,126 93	
June, - - - -	5,088 82	21,714 18	
July, - - - -	549 44	23,745 07	
August, - - - -	1,078 83	28,335 91	
September, - - - -	1,906 46	32,309 23	
October, - - - -	3,248 53	24,584 18	
November, - - - -	4,088 92	33,920 84	
December, - - - -	4,873 03	26,124 61	
DATE.	Unclaimed dividends.	City Louis- ville Sk'ng Fund.	Total.
January, - - - -	1,613 51	-	167,291 41
February, - - - -	1,372 01	-	173,022 51
March, - - - -	1,316 51	-	171,792 17
April, - - - -	1,081 51	-	173,869 40
May, - - - -	1,023 51	-	172,357 27
June, - - - -	414 12	-	206,828 61
July, - - - -	1,691 37	2,795 25	178,257 89
August, - - - -	1,465 87	3,324 90	176,657 13
September, - - - -	1,410 37	-	192,736 12
October, - - - -	1,350 37	1,529 72	203,355 26
November, - - - -	1,335 12	3,608 05	204,549 25
December, - - - -	871 87	10,199 53	227,493 16

THE LOUISVILLE GAS AND WATER COMPANY.

OFFICE LOUISVILLE GAS AND WATER COMPANY, }
 December 24, 1838. }

GENTLEMEN:

Your favor of the 23d instant, inclosing questions in relation to this Institution is received, to which I have the pleasure to hand you the following answers:

QUESTION 1.—What amount of stock has been subscribed by the city of Louisville?

ANSWER—4,000 shares.

QUESTION 2.—What amount of stock has been subscribed by individuals and corporations, other than the city of Louisville?

ANSWER.—Individual subscriptions,	-	-	-	2,500 shares.
By the Marine and Fire Insurance company,				200 do.
By the Firemen's	do.	do.		200 do.
By the Franklin	do.	do.		100 do.

In the aggregate,	-	-	-	3,000
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QUESTION 3.—When were the books of subscription closed, and when the first Board of Directors chosen?

ANSWER.—The books of subscription was closed July 24, 1838, and the first Board of Directors chosen August 3, 1838.

QUESTION 4.—What payments has the city made on her stock, and what payments has she yet to make?

ANSWER.—The city of Louisville executed her bonds for \$200,000, bearing interest at 6 per cent., per annum, in payment of her subscription to the extent of 2,000 shares; the residue of her stock to be paid for by applying the excess of her dividends, first discharging the interest on her bonds.

QUESTION 5.—What payments have the other stockholders made, and what payments have they yet to make on their stock?

ANSWER.—Three instalments of \$5 each is due, and paid by the other stockholders, (with a very few exceptions;) a fourth instalment of \$5 will fall due January 24, 1839; the residue, say 80 per cent., is payable in 10 per cent. calls each, July and January thereafter, until the entire stock is paid, which requires four years from January, 1839.

QUESTION 6.—What use will the company be able to make of the city bonds taken, and to be taken, in payment of city stock?

ANSWER.—The present order of the Board is to hypothecate the bonds on a loan of money, if to be had; they are, as yet, held as a 6 per cent. fund by this Institution.

QUESTION 7.—When did the company commence operations as a banking company?

ANSWER.—On Monday, the 26th day of November, confining their business to the purchase of Bills of Exchange, and Bank note exchange.

QUESTION 8.—What step have the company taken to commence the work of lighting the city of Louisville with gas?

QUESTION 9.—Has the company had a plan of the proposed gas works made out, and an estimate of the costs, and if so, what is the estimated costs?

ANSWER.—In reply to these interrogatories, I take pleasure in stating that this branch of the subject has been looked upon with peculiar interest by this institution; accordingly the first order of the Board was to direct the President to open a correspondence with such persons in Philadelphia, New York, or Boston, as would most likely afford the best information as to the best mode of establishing gas works in this city. In conformity with said order, I instituted a correspondence with gentlemen at the places above named, all of which were not in a very satisfactory manner, and without a dissenting suggestion all concur in referring to the projector of the Philadelphia Gas Works, as the most desirable person in our country to undertake such a work. I accordingly addressed S. V. Merrick, Esq., of Philadelphia, to know if he would undertake the work; in his reply, I have his promise to undertake the work, and that he will be with us in time to give an early start in the coming spring. No estimate can be made of the costs of the work until the location is made, from which to commence a survey—nothing further can be done until the arrival of Mr. Merrick, to whose superintendence the work will be submitted, and in whom this community have the highest guarantee of a satisfactory result.

QUESTION 10.—Will the payments from individual stockholders be sufficient to construct the Gas Works, within the three years, without selling the city bonds?

ANSWER.—The payments on stock due in the month of January, and already made, amount to \$60,000, every dollar of which, from the character of the stock list, will be promptly paid. On the 1st of July and January successively, thereafter, will be due a further sum of \$30,000, making an increase of \$60,000 annually, which I conceive will be more than sufficient to meet all the disbursements in the erection of the works.

QUESTION 11.—What number of officers has your company, and what the aggregate of their salaries?

ANSWER.—A president, cashier, and 1 clerk, are all the officers now employed by the Institution; the aggregate salaries of the two latter is \$2,700. No salary as yet allowed the president.

QUESTION 12.—What will be the salary of your chief engineer, and what the salary of the assistant?

ANSWER.—The professional services of the engineer is fixed at \$3,000, and travelling expenses, for the superintendence of the entire work. No fixed sum for the immediate superintendent is determined upon.

QUESTION 13.—What is the rent of your banking house, and what is the estimated amount of your incidental expenses?

The building occupied is the property of the Institution, purchased for the sum of \$30,100; repairs and fixtures will increase the sum to about

\$33,000, interest on which is \$1,980, from which deduct \$1,100 for rents of a portion of said property not occupied by the Institution, and there remains \$880, and taxes, &c. to be paid by the Institution, which sum is expected to be still further reduced, so soon as the whole property can be placed in a tenantable condition.

Incidental expenses may be placed at \$400 to \$500 per annum.

Very respectfully,

Your obedient servant,

L. L. SHREVE, *Prest.*

To Messrs. GUTHRIE, }
TRIMBLE, } *Committee.*

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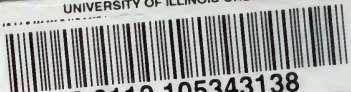








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